

NOTICE IS HEREBY GIVEN that a meeting of the **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **WEDNESDAY, 13 APRIL 2005** at **2:30 PM** and you are requested to attend for the transaction of the following business:-

## **A G E N D A**

### **PRAYER**

The Reverend James Pullen, Vicar of St Ives will open the meeting with prayer.

### **APOLOGIES**

### **CHAIRMAN'S ANNOUNCEMENTS**

**1. MINUTES (Pages 1 - 12)**

To approve as a correct record the Minutes of the meeting of the Council held on 16th February 2005.

**2. LOCAL GOVERNMENT ACT 1972: SECTION 84 - LITTLE PAXTON WARD**

The Chief Executive to report on the resignation of Councillor R L Clarke with effect from 29th March 2005 and that the vacancy in the Little Paxton Ward will be filled at a by-election to be held in conjunction with the ordinary County Council elections on 5th May 2005.

**3. REPORT OF THE CABINET, COMMITTEES AND PANELS**

**(a) Cabinet (Pages 13 - 50)**

**(b) Standards Committee (Pages 51 - 52)**

**(c) Overview and Scrutiny Panel (Planning and Finance)  
(Pages 53 - 56)**

**(d) Overview and Scrutiny Panel (Service Delivery and  
Resources) (Pages 57 - 60)**

**(e) Development Control Panel (Pages 61 - 84)**

**(f) Employment Panel (Pages 85 - 86)**

**(g) Corporate Governance Panel (Pages 87 - 132)**

**4. ORAL QUESTIONS**

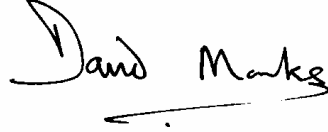
In accordance with the Council Procedure Rules (Section 8.3) of the

Council's Constitution to receive oral questions from Members of the Council.

## 5. LOCAL GOVERNMENT ACT 1972: SECTION 85

The Chief Executive to report on absences of Members from meetings.

Dated this 5th day of April 2005



Chief Executive

Please contact Christine Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a large text or an audio version of Agenda/Minutes/Reports please contact the Democratic Services Manager and we will try to accommodate your needs.

আপনি যদি এই লিখিত তথ্যের (ডকুমেন্ট) একটি অনুবাদ, একটি বড় অক্ষরে লেখা সংস্করণ অথবা একটি শ্রবণ যোগ্য (অডিও) সংস্করণ চান, তবে অনুগ্রহ করে আমাদের সঙ্গে ০১৪৮০ ৩৮৮০০৭ নম্বরে যোগাযোগ করুন এবং আমরা আপনার প্রয়োজন মেটাতে চেষ্টা করব।

這份文件，若你想得到一份譯文版、一份字體大的版本或錄音版，請電 01480 388007 與我們聯絡，我們將會盡力來迎合閣下的需要。

اگر آپ کو اس دستاویز کا ترجمہ بڑے الفاظ میں یا آڈیو ٹیپ پر درکار ہو تو برائے مہربانی ہم سے 01480 388007 پر رابطہ کریں، ہم آپ کی ضروریات پوری کرنے کیلئے اپنی طرف سے مکمل کوشش کریں گے

# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 16 February 2005.

PRESENT: Councillor J A P Eddy - Chairman

Councillors J D Ablewhite, M G Baker, Mrs M Banjeree, I C Bates, J T Bell, Mrs B E Boddington, P L E Bucknell, Mrs J Chandler, S J Criswell, J W Davies, D B Dew, P J Downes, J J Dutton, N J Finnie, J E Garner, D A Giles, Mrs C A Godley, J A Gray, Mrs K P Gregory, N J Guyatt, A Hansard, D Harty, D P Holley, C R Hyams, Mrs P J Longford, Mrs S A Menczer, P G Mitchell, I R Muir, M F Newman, R Powell, Mrs D C Reynolds, K Reynolds, J M Sadler, T D Sanderson, L M Simpson, A B Stenner, C J Stephens, P A Swales, J Taylor, G S E Thorpe, R G Tuplin, Mrs S J Vanbergen and Ms M Wheeler.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors R L Clarke, W T Clough, Mrs D E Collins, J D Fell, T V Rogers, I P Taylor and J S Watt.

IN ATTENDANCE: Mr D H Bristow.

### **43. PRAYER**

The Canon R Longford, Rural Dean of Yaxley, opened the meeting with prayer.

### **44. CHAIRMAN'S ANNOUNCEMENTS**

#### **(a) The High Sheriff**

The Chairman welcomed to the meeting Sir Charles Chadwyck-Healey, High Sheriff of Cambridgeshire.

#### **(b) Tsunami Appeal**

The Council were informed that a donation of £1,050 had been made on behalf of Members and Officers to the International Tsunami Appeal and that a further £715 had been collected by District Council staff.

#### **(c) Civic Ball**

The Chairman announced that his Civic Ball would be held on 15th April 2005 at the Burgess Hall, St. Ivo Leisure Centre and that formal invitations for the event would be sent in due course.

#### **45. MINUTES**

The Minutes of the meeting of the Council held on 20th December 2004 were approved as a correct record and signed by the Chairman.

#### **46. BUDGET AND MEDIUM TERM PLAN 2006 - 2010**

In conjunction with a report by the Director of Commerce and Technology (a copy of which is appended in the Minute Book) and Item No. 117 of the Report of the Cabinet, the Leader addressed the Council on the Medium Term Plan for 2006/10, the 2005/06 budget and related prudential indicators.

Members were reminded of the decisions that they had previously approved in respect of the Council's financial strategy which incorporated a minimum increase in Band D Council Tax for 2005/06 amounting to £12 per annum. Reference also was made to potential variations to the approved Medium Term Plan, the base budget review and early consideration of the Government's efficiency review. Having regard to the level of revenue support grant announced, the Leader emphasised that the Council remained the most under-funded District Council in cash terms in England by a total £748,000 which would have obviated the need for an increase in Council Tax at the level proposed.

Attention was drawn to the observations of the Overview and Scrutiny Panels and to the views expressed by the business community at a consultation meeting held on 26th January 2005.

Turning specifically to the recommendations of the Cabinet, the Leader anticipated that the efficiency savings target would be difficult to achieve given the low spending base of the Authority. In addition, the Leader drew attention to additional duties which had been imposed on the District Council without any corresponding increase in funding from Government and to the significant investment which continued to be made to Council services. Notwithstanding the proposed increase of £12 per annum in Council Tax for a Band D property, Councillor Holley added that this was still 25% below the average council tax level for District Councils in England. On behalf of the Council, the Leader thanked Officers and Members of the Overview and Scrutiny Panels for their constructive contributions to the budgetary exercise at each stage.

On behalf of the Liberal Democrat Group, Councillors Downes acknowledged the opportunities afforded to the Overview and Scrutiny Panels to contribute to the budget process but questioned the reality of the budget given the continuing uncertainty in terms of the Council's future office accommodation requirements. Regarding the detailed budget, Councillor Downes welcomed reductions which had been proposed amounting to £500,000 per annum but questioned why these had not been identified earlier. Councillor Downes also drew attention to the commitment made to the customer first project which was contrary to the findings of a recent customer survey as to the support for such an option. Whilst not proposing an alternative budget or MTP, Councillor Downes indicated his regret at the proposal not to lend further support to a number of schemes

comprising the Summer Outdoor Arts Event, Youth Participation Project, Grant Aid to Voluntary Organisations and Members' Support Assistant.

RESOLVED

- (a) that a net revenue budget of £17.373m and a net capital budget of £23,087m for 2005/06 be approved;
- (b) that revenue reserves of £1.826m be made available for expenditure in 2005/06;
- (c) that a Council Tax increase of £12 on a Band D property in 2005/06 be approved;
- (d) that the Capital Programme for 2006/07 be approved to increase opportunities for obtaining lower tender prices;
- (e) that, subject to annual review, the remainder of the Medium Term Plan for 2006 – 2010 be approved; and
- (f) that the prudential indicators as set out in Appendix C to the report now submitted be approved.

**47. COUNCIL TAX 2005/06**

In accordance with Section 30 (2) of the Local Government Finance Act 1992 and with reference to a report by the Director of Commerce and Technology which had been circulated at the meeting (a copy of which is appended in the Minute Book) the Leader proposed the determination of levels of Council Tax for 2005/06 for the various parts of the Huntingdonshire District.

On being put to the vote, it was

RESOLVED

- (a) that the Revenue Budget for 2005/06 as submitted be approved;
- (b) that the following amounts be calculated by the Council for 2005/06 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992 (the Act):-

	<b>£</b>
(i) the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act	<b>58,230,502</b>
(ii) the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act	<b>39,572,110</b>
(iii) the amount by which the aggregate at (b) (i) above	<b>18,658,392</b>

- exceeds the aggregate at  
(b) (ii) above in accordance  
with Section 32 (4) of the Act
- |        |   |   |
|--------|---|---|
| (iv)   | the aggregate of the amounts payable into the General Fund for the items set out in Section 33 (1) of the Act | <b>9,508,211</b>                          |
| (v)    | the aggregate of the amounts payable from the General Fund for the items set out in Section 33 (3) of the Act | <b>3,550</b>                              |
| (vi)   | the basic amount of Council Tax for 2005/06 in accordance with Section 33 (1)                                 | <b>161.39<br/>per band D<br/>property</b> |
| (vii)  | the aggregate of special items referred to in Section 34 (1)  | <b>3,110,997</b>                          |
| (viii) | the basic amount of Council Tax for 2005/06 for those parts of the District to which no special item relates  | <b>106.54</b>                             |
- (ix) the basic amounts of Council Tax for 2005/06 for those parts of the District to which one or more special items relate in accordance with Section 34 (3) of the Act are shown by adding the Huntingdonshire District Council amount to the appropriate Parish Council amount in column "band D" set out in table 1 hereto
- (x) the amounts to be taken into account for 2005/06 in respect of categories of dwellings listed in the different valuation bands in accordance with Section 36 (1) of the Act are shown by adding the Huntingdonshire District Council amount to the appropriate Parish Council amount for each of the valuation bands in the columns "bands A to H" set out in table 1 hereto;
- (c) that the amounts of precept issued to the Council by Cambridgeshire County Council, Cambridgeshire Police Authority and Cambridgeshire & Peterborough Fire Authority for each of the categories of dwellings listed in different valuation bands in accordance with Section 40 of the Act shown in table 1 hereto be noted; and
- (d) that, having regard to the calculations above, the Council, in accordance with Section 30 (2) of the Local Government and Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for 2005/06 for each of the categories of dwelling shown in table 2 hereto.

*(For sight of Tables 1 and 2 please refer to  
Council Agenda: 16th February 2005 Item No. 5 [Council Tax  
2005/06])*

**48. A14 - PROPOSALS FOR UPGRADE: BRAMPTON HUT TO FEN DITTON**

*(The Chairman announced that he proposed to allow consideration of the following item as a matter of urgency in accordance with Section 100B (4) (b) of the Local Government Act 1972 in view of the very high levels of interest in this issue locally, Councillor Guyatt's wish to keep District Councillors informed of developments and the need to maintain pressure for a start on upgrading work on the A14 as soon as possible.)*

With the assistance of a written statement (a copy of which was circulated at the meeting) Councillor N J Guyatt, Executive Councillor for Planning Strategy addressed the Council on the situation with regard to upgrading the A14 between Brampton Hut and Fen Ditton and on the progress of improvements to the road. In so doing, he reminded Members of the position that he had maintained on behalf of the Council in discussions with the Highways Agency.

Following discussion and having indicated their support for their previous resolutions in this respect as set out in Annexes A and B to the statement appended in the Minute Book, the Council

RESOLVED

that the content of Councillor Guyatt's statement be received and noted.

**49. CABINET**

Councillor D P Holley, Leader and Chairman of the Cabinet presented the Report of the meetings of the Cabinet held on 16th December 2004, 13th January and 3rd February 2005.

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In connection with Item No. 114 and in response to a question from Councillor J A Gray regarding the potential for action to be taken against householders for misuse of the wheeled bin refuse system, the Leader replied that since its inception there had been relatively few incidents of misuse. However, where this occurred efforts would be made to resolve problems with households by personal visits and other advice on recycling options.

.....

In connection with Item No. 116 and in response to a question from Councillor T D Sanderson, the Executive Councillor for Planning Strategy reported that the decision to defer the funding of an affordable housing scheme at Parkway, Huntingdon would be reconsidered in conjunction with the Medium Term Plan once it became clear that the scheme would proceed.

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In connection with Item No. 117, it was noted that the recommendations had previously been considered under Minute Nos. 46 and 47 ante.

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Upon being put to the vote, the recommendations contained in Item No. 118 were declared to be CARRIED.

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*(Councillors J A P Eddy and A Hansard declared personal interests in Item No. 120 by virtue of their membership of the Great Ouse Local Flood Defence Committee and Councillor Mrs S J Vanbergen declared a personal and prejudicial interest and left the meeting for the same Item.)*

.....  
In connection with Item No. 123 and in response to a question from Councillor P G Mitchell, the Executive Councillor for Planning Strategy confirmed that the Chequers Court Urban Design Framework had been adopted, following amendment, as Interim Planning Guidance.

.....  
In connection with Item No. 125 and in response to a question from Councillor Mrs S A Menczer regarding the promotion by the District Council's Leisure Centres of sunbeds as part of the Impressions range of health suite facilities, the Leader reminded the Council that the Overview and Scrutiny Panel (Service Delivery and Resources) had recently conducted a review on the use of sun beds and had concluded that they were being appropriately managed by the Leisure Centres within a strict operating criteria.

.....  
Whereupon, it was

RESOLVED

that, subject to the foregoing paragraphs, the Report of the meetings of the Cabinet held on 16th December 2004, 13th January and 3rd February 2005 be received and adopted.

**50. STANDARDS COMMITTEE**

Mr D H Bristow presented the Report of the meeting of the Standards Committee held on 9th December 2004.

.....  
In connection with Item No. 10, the Chairman informed the Council that Regulations had recently come into force which authorised Monitoring Officers to undertake investigations into alleged breaches

by councillors of their respective codes of conduct and that Standards Committees would be able to make determinations following Monitoring Officer reports on the investigation of such breaches.

.....

Referring to Item No. 11, the Chairman also welcomed the action taken by The Standards Board for England to implement a new referral process to reduce the time being taken by the Board to process cases involving allegations of misconduct.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Standards Committee held on 9th December 2004 be received and adopted.

**51. OVERVIEW AND SCRUTINY PANEL (PLANNING AND FINANCE)**

Councillor P A Swales presented the Report of the meetings of the Overview and Scrutiny Panel (Planning and Finance) held on 14th December 2004 and 11th January 2005 and of a joint meeting with the Overview and Scrutiny Panel (Service Delivery and Resources) held on 25th January 2005.

.....

The Chairman reminded the Council that a training session on scrutiny would be held at the Dolphin Hotel, St Ives on 18th February 2005 and that all Members would be welcome to attend.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings of the Overview and Scrutiny Panel (Planning and Finance) held on 14th December 2004 and 11th January 2005 and of a joint meeting with the Overview and Scrutiny Panel (Service Delivery and Resources) held on 25th January 2005 be received and adopted.

**52. OVERVIEW AND SCRUTINY PANEL (SERVICE DELIVERY AND RESOURCES)**

Councillor K Reynolds presented the Report of the meetings of the Overview and Scrutiny Panel (Service Delivery and Resources) held on 7th December 2004, 4th January and 1st February 2005.

.....

Further to Item No. 35, the Chairman announced that the visit by Members of the Overview and Scrutiny Panels to Maidstone Borough

Council to observe that Council's scrutiny performance had been re-scheduled to 15th March 2005.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings of the Overview and Scrutiny Panel (Service Delivery and Resources) held on 7th December, 4th January and 1st February 2005 be received and adopted.

**53. DEVELOPMENT CONTROL PANEL**

Councillor P G Mitchell presented the Report of the meetings of the Development Control Panel held on 20th December 2004 and 17th January 2005.

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Whereupon, it was

RESOLVED

that the Report of the meetings of the Development Control Panel held on 20th December 2004 and 17th January 2005 be received and adopted.

**54. EMPLOYMENT PANEL**

Councillor J W Davies presented the Report of the meeting of the Employment Panel held on 2nd February 2005.

In connection with Item No. 20, the Chairman expressed his appreciation to the Employees' Side for their contribution towards the resolution of negotiations on the annual pay award.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Employment Panel held on 2nd February 2005 be received and adopted.

**55. CORPORATE GOVERNANCE PANEL**

Councillor I C Bates presented the Report of the meeting of the Corporate Governance Panel held on 8th December 2004.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 8th December 2004 be received and adopted.

**56. LICENSING AND PROTECTION PANEL**

Councillor J D Sadler presented the Report of the meeting of the Licensing and Protection Panel held on 19th January 2005.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Licensing and Protection Panel held on 19th January 2005 be received and adopted.

**57. LICENSING COMMITTEE**

Councillor J D Sadler presented the Report of the meetings of the Licensing Committee held on 8th December 2004 and 19th January 2005.

.....

The Chairman informed the Council that the Regulations under the Licensing Act 2003 had been published by the Department for Culture, Media and Sports only two weeks prior to the first appointed date of 7th February for implementation of the Act, that application forms for various licences had been subject to modification until the weekend prior to the first appointed day and that the District Council had given presentations throughout the District and attended numerous meetings to explain the implications of the Act to licensees, clubs and the public.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings of the Licensing Committee held on 8th December 2004 and 19th January 2005 be received and adopted.

**58. MEMBERSHIP OF COMMITTEES/PANELS**

Upon a proposal by the Leader of the Liberal Democrat Group, it was,

RESOLVED

that Councillor D A Giles be appointed to the Development Control Panel in place of Councillor W T Clough.

## **59. ORAL QUESTIONS**

In accordance with the Council's Procedure Rules (Section 8.3) of the Council's Constitution, the Chairman proceeded to conduct a period of oral questions addressed to Executive Councillors and Panel Chairmen as follows:-

### **Question from Councillor P A Swales to the Executive Councillor for Public Health and Community Safety, Councillor Mrs D C Reynolds**

In response to a question regarding the potential cost to the Council of a scheme to install replacement pumps at St. Germans pumping station, Councillor Mrs Reynolds reported that the District Council was awaiting information from the Middle Level Commissioners and that she would advise the questioner when this became available.

### **Question from Councillor J A Gray to the Leader of the Council, Councillor D P Holley**

In response to a question regarding the alleged failure by the utility companies to reinstate the street scene adequately on completion of repair works in Kimbolton, the Leader explained that the utility companies had a statutory duty to undertake reinstatements. Whilst he also deplored unsatisfactory reinstatement, the Leader indicated that responsibility in this matter lay with the County Council as highways authority. However, the Leader added that if the questioner could supply him with details of the locations which had raised concern, he would draw them to the attention of the County Council.

### **Question from Councillor C J Stephens to the Leader, Councillor D P Holley**

In response to a question regarding the accumulation of rubbish on the verge of the A14 where it passed through the District, the Leader commented that he was aware of the problem and that he would seek to establish whether any pressure could be applied to the Highways Agency as the authority responsible for trunk roads.

### **Question from Councillor J Taylor to the Leader of the Council, Councillor D P Holley**

In response to a question regarding the percentage take-up of blue wheeled bins in the District, the Leader undertook to arrange for a written reply to be sent to the questioner.

### **Question from Councillor J J Dutton to the Leader of the Council, Councillor D P Holley**

In response to a question seeking clarification of the amount of the Council's income and expenditure, including existing balances as a result of various projects at Oxmoor, the Leader undertook to arrange for a written reply to be sent to the questioner.

### **Question from Councillor Mrs S A Menczer to the Executive Councillor for Planning Strategy, Councillor N J Guyatt**

In response to a question regarding the population forecast used for planning purposes by the District Council, Councillor Guyatt replied that he would arrange for a written reply to be sent to the questioner.

**Question from Councillor T D Sanderson to the Leader of the Council, Councillor D P Holley**

In response to a question on the current position regarding the possibility of residents of St. Mary's Street and The Walks East being able to obtain parking permits for Mill Common Car Park, Huntingdon, the Leader replied that once the new car parking order was operational he would arrange for the Councillor to be advised of progress in this matter.

**Question from Councillor R G Tuplin to the Leader of the Council, Councillor D P Holley**

In response to a question regarding the possibility of including all public notices in the weekly edition of Huntingdonshire Matters, the Leader agreed that those public notices placed by the Council, would in future, be incorporated within the weekly despatch of newspaper cuttings.

**60. LOCAL GOVERNMENT ACT 1972: SECTION 85**

The Chief Executive reported that there were no absences of Members from meetings for consideration in accordance with Section 85 of the Local Government Act 1972.

The meeting concluded at 3.57 pm.

Chairman

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## Cabinet

Report of the meetings held on 24th February and  
17th March 2005

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### Matters for Decision

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#### 126. YOUNG PERSONS HOUSING STRATEGY 2005 TO 2007

The Cabinet has considered the content of the first draft Young Persons Housing Strategy produced on behalf of the Council for 2005 to 2007. A copy of the draft Strategy has been previously circulated to all Members.

Having been informed that the strategy will complement the Council's overarching Housing Strategy and noted that it had been submitted to the Overview and Scrutiny Panel (Service Delivery and Resources) for comment, the Cabinet

#### RECOMMEND

**that the Young Persons Housing Strategy 2005 to 2007 be approved.**

#### 127. COMMUNITY SAFETY STRATEGY

The Cabinet has considered the draft Community Safety Strategy for the period 2005 to 2008 which has been developed by the Huntingdonshire Community Safety Partnership. A copy of the Strategy is enclosed for Members only.

Having been reminded that the Community Safety Partnership is required to produce a strategy for reducing crime and disorder in their local area every three years, the Cabinet has endorsed the six key priorities proposed for inclusion in the new strategy and

#### RECOMMEND

**that the Community Safety Strategy for 2005/08 be approved.**

#### 128. EQUALITY AND INCLUSION STRATEGY AND RACE EQUALITY SCHEME

The Cabinet has considered the content of a revised and enhanced Equality and Inclusion Strategy, together with an updated Race Equality Scheme for the Council – copies of which are reproduced

hereto as Appendix A. Having regard to the forthcoming review of the Council's Corporate and Best Value Performance Plan and the need to ensure relevant co-ordination of the two documents, the Cabinet has authorised the Director of Central Services, after consultation with the Executive Councillor with responsibility for equality issues to approve amendments of textual detail to the strategy in the light of the forthcoming review of the Plans identified. The Cabinet therefore

**RECOMMEND**

**that, subject to textual amendment by the Director of Central Services, the revised Equality and Inclusion Strategy and updated Race Equality Scheme be approved.**

**129. EAST OF ENGLAND PLAN –  
CONSULTATION ON DRAFT REGIONAL SPATIAL STRATEGY  
FOR THE EAST OF ENGLAND**

The Cabinet has been acquainted with the significant elements of the East of England Plan issued for consultation in December 2004 and the content of suggested representations to be made to the Regional Assembly. A copy of the report is attached as Appendix B and the Cabinet

**RECOMMEND**

**that the response on behalf of the Council based on the points raised in Chapter 4 of the Report as appended, be authorised for submission to the Regional Assembly and that specific mention be made to the absence of a reference in the document to the Fens, Broads and other wetland areas in the Eastern Region and also to the need for further investigations in relation to any potential future development of Alconbury Airfield.**

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**Matters for Information**

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**130. CONEYGEAR PARK AND IMPROVEMENTS TO OPEN SPACE:  
OXMOOR, HUNTINGDON**

Further to Item No 4 of their Report to the meeting of the Council held on 21st July 2004, the Cabinet has been acquainted with progress in implementing improvements to the green spaces in Oxmoor, Huntingdon and the creation and development of Coneygear Park. The Cabinet has noted the steps taken to engage with local residents in the development of neighbourhood gardens and doorstep greens, to improve local open spaces which are essential elements of the Oxmoor Action Plan. Construction work on Coneygear Park is scheduled to commence in June 2005 with phase 1 being completed in September 2005.

**131. TRAVEL PLAN 2005 - 2010**

The Cabinet has approved for consultation a proposed travel plan for the District Council for the period 2005-2010. The draft plan takes into account changes to the external environment and travelling behaviour since the first Travel Plan was adopted in 1999. The Cabinet has been acquainted with statistical information on employee travel data, which had previously been submitted to the Overview and Scrutiny Panel for Planning and Finance and requested that the outcome of the consultation and Action Plan be reported to a future meeting.

**132. SUPPORTING PEOPLE STRATEGY 2005-2010**

The Cabinet has approved the Supporting People Strategy for the period 2005 – 2010 subject to there being a facility available to consider tailoring implementation of the Strategy to match available resources. In considering the strategy, concern has been raised by the Cabinet with regard to the estimated shortfall in Government funding to address the perceived needs in delivering housing-related support services in Cambridgeshire in the period 2005-2010.

The Cabinet has noted the supporting people resource allocation for Cambridgeshire for 2005/06 and the projected reduction in available budget allocations and has requested that the apprehension of the Cabinet in relation to the shortfall in Government funding for housing be conveyed to the Local Government Association and Members of Parliament for the Huntingdon and North West Cambridgeshire Constituencies.

**133. FUNDING OF MANDATORY DISABLED FACILITIES GRANTS**

The Cabinet has noted the overall take-up of Disabled Facility Grants (DFGs) in the first three quarters of 2004/05 and the Government's contribution towards the funding of grants in 2005/06. In total 184 DFGs have been processed to date in 2004/05 at a cost of £993,000 and it is projected that this will rise to 254 DFGs by the end of the year at an estimated cost of £1,336,000. The Cabinet has been reminded that the supplementary estimate approved by Cabinet at their meeting held on 2nd September 2004 would be sufficient to meet the cost of DFGs in the remainder of the current financial year but has expressed concern at the continuing reduction in Government funding of the grants.

**134. ATTITUDES AND CULTURE IN HEALTH AND SAFETY ENFORCEMENT**

The Cabinet has endorsed a proposed statement of intent for the "Local Authorities and Health and Safety Executive Working Together" strategic programme. The strategic programme has been commissioned as part of a range of initiatives established to deliver a nationwide strategy for work place health and safety to 2010 and beyond by way of Councils and the HSE being committed to working together.

**135. TREASURY MANAGEMENT: INVESTMENT PERFORMANCE**

The Cabinet has noted the performance of the District Council's Fund Managers for the period 1st April – 31st December 2004.

**136. ACQUISITION OF LAND AT HOUGHTON ROAD, ST IVES**

In considering the arrangements for the proposed acquisition of land at Houghton Road, St Ives from Cambridgeshire County Council, the Cabinet has not approved a proposed exception from the District Council's Code of Procurement and agreed that three Registered Social Landlords (RSL) be invited to submit their proposals for the development of the land. The Cabinet has noted that the land has been allocated in the Local Plan Alteration for residential purposes.

Having been acquainted with the possibility that the County Council might either offer the land to the District Council for immediate sale on to a Registered Social Landlord or direct to an RSL nominated by the District Council, the Cabinet has agreed that if the land is offered to the District Council it will be subject to satisfactory resolution of the issue of payable stamp duty. The Cabinet has also approved a supplementary capital estimate equivalent to the purchase price of the land and any related costs.

**137. HOUSING REGISTER AND NOMINATIONS POLICY**

The Cabinet has been acquainted with the outcomes of a review of the Council's Housing Register and Nominations Policy.

Having noted that the results of the review have been considered by the Overview and Scrutiny Panel (Service Delivery & Resources), the Cabinet has endorsed a series of amendments to the policy concerning points awarded to applicants without access to a living room and to overcrowding assessments.

**138. LOCAL DEVELOPMENT SCHEME**

The Cabinet has considered the draft Local Development Scheme for Huntingdonshire. The scheme sets out a range of statutory planning documents which the Council is required to produce under the new planning system and the timescales for their production.

Having regard to comments received from Go-East and a reassurance from the Executive Councillor for Planning Strategy that the timescales were still considered realistic, the Cabinet has endorsed the draft Local Development Scheme for submission to the Secretary of State and authorised the Head of Planning Services, in consultation with the Executive Councillor for Planning Strategy to make changes to the draft scheme to reflect, inter alia, the availability of an adequate supply of land for housing and the present position in relation to the Council's proposed arrangements with other local planning authorities in Cambridgeshire with regard to infrastructure contributions.

**139. ST. IVES WEST URBAN DESIGN FRAMEWORK AND MASTERPLAN**

Having considered responses received to consultation on the proposed St. Ives West Urban Design Framework and having been acquainted with the resultant amendments which had been made to the document, the Cabinet has approved the adoption of the Urban Design Framework (as amended) as Interim Planning Guidance. In so doing, the Head of Planning Services has been authorised after consultation with the Executive Member for Planning Strategy to make any minor consequential amendments to the text and illustrations as necessary.

**140. ANGLIAN HOUSE, HUNTINGDON URBAN DESIGN FRAMEWORK AND MASTERPLAN**

The Cabinet has considered responses received to consultation on the Anglian House, Huntingdon Urban Design Framework. Having been acquainted with the resultant amendments which had been made to the document, the Cabinet has approved the adoption of the Urban Design Framework (as amended) as Interim Planning Guidance. In so doing, the Head of Planning Services has been authorised after consultation with the Executive Member for Planning Strategy to make any minor consequential amendments to the text and illustrations as necessary.

**141. THE CAMBRIDGESHIRE AND PETERBOROUGH BIOLOGICAL RECORDS CENTRE**

The Cabinet has endorsed the establishment of Cambridgeshire and Peterborough Biological Records Centre in the County and approved a total contribution of £14,480 from the planning delivery grant towards the formation of the Centre over the period from 2004/07. In so doing, the Director of Operational Services has been authorised to sign a memorandum of understanding setting out the management arrangements for the Centre, subject to a proviso that the operation of the Centre can be reviewed at the end of 2005/06 to enable consideration to be given to the Council's future involvement or otherwise in the Centre after 31st March 2007.

The Cabinet has also authorised the Director of Operational Services after consultation with the Executive Councillor for Planning Strategy to approve the appointment of a District Council representative to serve on the Centre's Board of Governors.

**142. PFI UPDATE AND RECYCLING BUDGET**

The Cabinet has been acquainted with the most recent developments in the County Council's application for Private Finance Initiatives (PFI) credits to support future waste disposal arrangements in Cambridgeshire and a proposed programme for the submission of reports to future meetings in accordance with the ongoing

negotiations to develop partner agreements with waste collection authorities.

Having been updated on variations to the District Council's recycling budget, the Cabinet has approved the proposed use of Waste Performance and Efficiency Grant in the sum of £52,000 to support the District Council's partnering negotiations together with the transfer of capital funding of £50,000 from Medium Term Plan scheme reference 279/B to scheme reference 602 to contribute towards the cost of optional wheeled bins. Clarification of a previously approved variation to the MTP in respect of a £120,000 shortfall arising from changes to gate fees and recycling credits has also been noted.

The Cabinet has agreed that consideration of the possible capping of payments to Parish Councils and voluntary organisations providing sites for mini-recycling centres be deferred for one year.

#### **143. CAR PARKING CHARGES**

Further to Item No. 77 of their Report to the meeting of the Council held on 8th December 2004, the Cabinet has considered objections received following the publication of proposals to vary car parking charges in the District. In view of the scale and content of the objections to the Orders, the Cabinet has agreed that a local inquiry need not be convened and that subject to the inclusion of additional provision relating to the use of residents permits in certain car parks, the Orders as advertised be confirmed.

#### **144. PUBLIC CONVENIENCES ADVISORY GROUP**

The Cabinet has been acquainted with the further deliberations of the Public Conveniences Advisory Group, arising from which, and subject to consultation with St Neots Town Council, the Cabinet has approved in principle the disposal of the site of the public conveniences located at South Street, St. Neots. A number of other recommendations relating to the Council's future commitment to the provision of public conveniences in town centres, service standards and maintenance/cleaning were also endorsed.

#### **145. MEDIUM TERM PLAN – REQUESTS FOR RELEASE OF FUNDING**

The Cabinet has approved the release of the relevant funding from the following schemes and projects within the Council's MTP –

- ◆ Scheme reference 00/014, Car Parks – Environmental Improvements Phase 5;
- ◆ Scheme reference 231/386/431, AJC Small Scale Schemes – District Wide;
- ◆ Scheme reference 01/095/A and 389, Local Transport Plan – 2005/06;
- ◆ Scheme reference 152/390/472, Safe Cycle Routes – creation of new routes;
- ◆ Scheme reference 361, Huntingdon Transport Strategy;

- ◆ Scheme reference 49, Huntingdon Town Centre Environmental Improvements Phase 2;
- ◆ Scheme reference 104, Oxmoor Environmental Schemes;
- ◆ Scheme reference 77 and 401, Huntingdon Town Centre Development;
- ◆ Scheme reference 224, Town Centre Developments;
- ◆ Scheme reference 241/B, Heart of Oxmoor;
- ◆ Scheme reference 36, 387 and 469, Crime and Disorder – Lighting Improvements;
- ◆ Scheme reference 400; Bus Shelters – Extra Provision;
- ◆ Scheme reference 132, Railway Stations – Improvements – Partnership with Rail;
- ◆ Scheme reference 3/323/385/472, Accessibility Improvements/Signage;
- ◆ Scheme reference 607, Huntingdon Bus Station;
- ◆ Scheme reference 50, Ramsey Great Whyte – Environmental Improvements – Phase 2;
- ◆ Scheme reference 51, Ramsey Little Whyte – Environmental Improvements;
- ◆ Scheme reference 04/495/A, Corporate EDM System;
- ◆ Scheme reference 602, Optional Wheeled Bin for Dry Recyclables; and
- ◆ Scheme reference 279, Joint Waste Procurement.

**146. CREDIT CARD PAYMENTS –  
COUNCIL TAX AND NON-DOMESTIC RATES**

Having reviewed the financial implications associated with the proposal, the Cabinet has approved the use of credit card payments for Council Tax and Non-Domestic Rates, subject to the addition of a handling fee equivalent to that charged by the banking and internet service providers for card payments.

**147. LEISURE CENTRES – LINE UPGRADES FOR IT NETWORK**

Having considered proposals to upgrade connections to leisure centres in the District and the Ramsey Community Information Centre, the Cabinet has approved the necessary variations and budget transfers to enable the upgrading work to the IT network to proceed.

**148. REVIEW OF CONSTITUTION**

As part of the annual review of the Council's Constitution, the Cabinet has recommended that the Corporate Governance Panel be invited to consider the possibility of including a requirement for Members serving on the Development Control and Licensing and Protection Panels to undertake training in their respective subject areas.

**149. HEADQUARTERS AND OTHER ACCOMMODATION**

The Cabinet has considered the deliberations of the District Council Headquarters and other Office Accommodation Members' Advisory

Group held on 18th February 2005 and their recommendations in relation to the steps to be taken to procure suitable headquarters and depot premises for use by the Council.

Having also been acquainted with the outcomes of discussions by the Overview and Scrutiny Panels on the matter, the Cabinet has endorsed further detailed investigations into the issues and options referred to in the report of the Members' Advisory Group. The Cabinet has also authorised the release of £74,000 in respect of the cost of the investigations and agreed that no further consideration be given to the option with regard to the refurbishment of Pathfinder House and Castle Hill House.

Having regard to the observations of the Overview and Scrutiny Panels, the Cabinet has authorised further work to be undertaken to identify the availability of edge-of-town centre sites in Huntingdon and to test competitively the cost of these and other options. A report on the options required to test the development competitively will be submitted to a future meeting of the Cabinet.

The Cabinet has agreed that the Council should be invited to note progress to date at its meeting on 13th April 2005 and that a further report will be submitted to Council in September 2005 on the selection of the final preferred scheme and its implications for the Medium Term Plan. The Cabinet has also authorised investigations to be undertaken as to the potential availability of external funding for buildings that achieve a high Environment Assessment Rating for the Building Research Establishment.

**150. HUNTINGDON HIGH STREET:  
ENVIRONMENTAL IMPROVEMENTS:  
PROCUREMENT PROCEDURE**

The Cabinet has approved the use of a non-traditional procurement method for the Huntingdon High Street environmental improvements scheme. In so doing, the Cabinet has agreed that the County Council's term maintenance contract and its contractor, May Guerne Ltd, be used for this scheme.

D P Holley  
Chairman

**EQUALITY AND INCLUSION STRATEGY  
AND RACE EQUALITY SCHEME  
(Report of the Head of Policy)**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to provide an opportunity for the Cabinet to consider and comment on a revised and enhanced Equality and Inclusion Strategy, together with an updated Race Equality Scheme.
- 1.2 The Strategy and Scheme are intended to provide a framework and common approach to equality in the way the Council achieves its priority of providing high quality services that meet the needs of local people and effective community leadership.
- 1.3 The Overview & Scrutiny Panel (Service Delivery & Resources) have considered the Strategy and Race Equality Scheme and made minor changes which are reflected in the appended document.

**2. SUPPORTING INFORMATION**

- 2.1 In 2002 the Council adopted an Equality Strategy, supported by an action plan. A Race Equality Scheme also was endorsed, which set out how the Council intended to meet the general duty of promoting equal opportunity, good race relations and preventing discrimination.
- 2.2 Since then there have been changes in relevant legislation and regulations and new good practice and guidance have been published. The Council is also required to review its Race Equality Scheme every three years. Accordingly, a comprehensive review of the Strategy has been carried out.
- 2.3 At the same a social inclusion policy has been drafted to help combat pockets of exclusion across the District. In view of the similarity of objectives, the inclusion policies have been incorporated into a combined Equality and Inclusion Strategy.
- 2.4 The attached Strategy and Scheme have been designed to meet statutory requirements and good practice; they also extend the Council's approach beyond minimal standards in order to support its priorities as a service provider and community leader.

### **3. RECOMMENDATION**


- 3.1 The Cabinet is invited to submit comments on and otherwise to recommend to Council adoption of the appended Equality and Inclusion Strategy and updated Race Equality Scheme.

### **BACKGROUND PAPERS**


Equality Strategy, Draft Social Inclusion Strategy, Race Equality Scheme, May 2002; Available from the Head of Policy

#### **Contact Officers**

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**DRAFT**  
**Equality & Inclusion Strategy**

Pathfinder House  
St Mary's Street  
Huntingdon

**November 2004**

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### Further information

For further information or clarification about the Council's Equality & Inclusion Strategy or if you would like to make any comments please contact:

Louise Clewes, Policy Officer, 01480 388032  
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**If you would like a copy or a translation of this document, a large text version or an audio version, please contact us on 01480 388032 and we will try to accommodate your needs.**

**The strategy is freely available from our website –**

[www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)

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## 1. Introduction

The council recognises that some people do not have equal access to our services or information about them. To ensure fairness and equity in the provision of our services, some services may need to be developed to meet different needs.

The council also recognises that discrimination or exclusion cannot always be dealt with as a single issue. Different strands, particularly those relating to race, disability, age, religious beliefs, sexual orientation, rural isolation, gender and deprivation, may combine to cause inequality and social exclusion.

To meet our priorities of providing high quality services and effective community leadership the council understands that:

- ◆ Huntingdonshire is made up of many different communities
- ◆ some communities have greater or different needs than others
- ◆ equality does not mean doing the same for everyone
- ◆ to make progress we must target resources to meet the greatest needs
- ◆ we cannot afford to ignore communities with fewer needs, and
- ◆ everyone needs to feel involved.

The purpose of this strategy is to provide a framework and common approach to deal with equality and social inclusion.

## 2. About Huntingdonshire

Huntingdonshire is a large rural district, which covers an area of approximately 910 square kilometres. Nearly 157,000 people live in the district, with about 45% of the population living in the 4 market towns of Huntingdon, Ramsey, St Ives and St Neots.

Overall we do not have a high proportion of people from a black or minority ethnic background (BME) or have high levels of deprivation or social exclusion. We know that, generally:

- ◆ the local economy is strong
- ◆ unemployment is low
- ◆ educational attainment is above the national average (based on pupils obtaining 5 or more GCSE's grades A-C)
- ◆ income is above the national average (but below the regional average)
- ◆ our houses are in a good condition
- ◆ there are low levels of crime
- ◆ most local people are in good health
- ◆ the numbers of claimants for Incapacity Benefit or Severe Disablement Allowance is below the national average.

More detailed information from the 2001 Census and other research indicates that:

- ◆ nearly 22% of the population are aged 15 or under
- ◆ nearly 6% of the population are aged 75 or over
- ◆ over the next 15 – 30 years, Huntingdonshire will have a larger proportion of its population in the 65+ age group, and there will be more people over 75 due to longer life expectancy

- ◆ a small proportion of the population (2.85%) are from ethnic minority communities including Black African, Black Caribbean, Indian, Pakistani, Bangladeshi and Chinese
- ◆ 93% of the population was born in the UK
- ◆ of the 63,062 households in the district, 24% are one-person households
- ◆ of the 63,062 households in the district, just over 14% have no vehicle
- ◆ 1% of people of working age are unemployed, 11% of the population is retired and 2.9% are permanently sick or disabled
- ◆ nearly 24% of the population have no qualifications, however, 20% of the population have a degree or higher qualification
- ◆ 4.3% of households are without central heating, only 0.2% are without a bath or shower and 3.5% of households are overcrowded.

Against this background the council accepts the need to undertake further work to be able to understand the diversity of needs within the district and how deprivation and social exclusion affects small sections of our communities.

### 3. Outcomes

It is a council priority to deliver high quality services to our communities. To achieve this we must ensure that we understand the diverse needs of local people, that our services meet those needs and that they are provided in a fair and accessible way.

Providing leadership in our communities is also one of the Council's priorities. An important part of this leadership role is to promote equality, inclusion and the benefits that come from understanding and valuing diversity in our communities.

To contribute towards meeting these priorities this strategy identifies two outcomes that we need to achieve and two measures that will tell us how successful we are -

Outcome	Measure
That our services are provided in ways that meet diverse local needs	% of local people who believe that council services meet their needs
That the council is recognised for promoting equality and inclusion in communities.	% of local people who believe that the council promotes equality and inclusion in their community.

To achieve these outcomes we will establish a programme of actions to develop and improve the way we –

#### Consult & engage with our communities

To ensure that we understand the diversity of the needs of local people, we will:

- ◆ use appropriate methods of communication and consultation to engage with different communities and individuals
- ◆ use national and local data, particularly from other local authorities and community or voluntary agencies to increase our understanding of local need
- ◆ use information from our established complaints procedure.

## **Plan & deliver services**

To ensure that our services are available to all that need them and are delivered in an appropriate way we will:

- ◆ use the information from listening, consulting and engaging with our communities to plan and deliver services
- ◆ avoid discrimination when designing, delivering or charging for services
- ◆ ensure that when new and existing policies are developed their impact upon equality & inclusion will be considered
- ◆ seek to ensure that information about services is published widely and in ways that will help local people to use them
- ◆ continue to assess and review ways of making services more accessible
- ◆ frequently review access arrangements to Council premises
- ◆ seek to ensure that our partners adopt the same approach to equality and social inclusion
- ◆ ensure equality and inclusion is incorporated into our procurement arrangements.

## **Support our communities**

To ensure that we promote equality and inclusion in our communities we will:

- ◆ ensure that our communities have access to and information about our services
- ◆ consult, when relevant, local people in planning for our services
- ◆ support democratically elected representatives to support communities and individuals
- ◆ ensure that council policies do not discriminate directly or indirectly against any groups in our community
- ◆ identify and address unmet needs and gaps in services where appropriate
- ◆ promote activity in community based organisations
- ◆ identify socially excluded groups and develop measures to promote inclusion
- ◆ ensure that community and welfare rights information is easily available
- ◆ engage and support voluntary, community, charitable organisations and social enterprises.

## **Develop & support employees**

To ensure that our employees and employment practices contribute to the outcomes of this strategy we will:

- ◆ maintain a separate equal opportunities employment policy, which promotes equality and diversity in our workforce
- ◆ develop our employees to help them promote equality and inclusion in our communities
- ◆ identify clear responsibilities for equality within the council (Appendix 1)
- ◆ provide guidance to help employees ensure that policies, strategies and plans are fair
- ◆ help employees to recognise and prevent discrimination
- ◆ allocate resources for improving equality and social inclusion practices
- ◆ help employees comply with the requirements of all relevant legislation and good practice guidance.

## **Monitor & evaluate our performance**

To ensure we are making progress we will:

- ◆ monitor our performance against Best Value Performance Indicators (BVPI's) and local measures
- ◆ report performance on equalities & inclusion indicators as part of the council's comprehensive performance management framework
- ◆ use the Equality Standard, and Race Equality Assessments to collect and publish evidence of good practice throughout the council.

## Responsibilities

All Councillors, employees and others who work on behalf of the council have a duty to implement the outcomes of this strategy through the action plan. Particular responsibilities include:

### **Councillors**

Councillors will support this strategy and work towards the promotion of equalities and social inclusion in all council and community activities.

### **Chief Executive**

The Chief Executive has overall responsibility for the implementation of the Equality & Inclusion Strategy for the council as a whole.

### **Directors**

Directors have a duty to promote the Equality & Inclusion Strategy throughout their directorates. They also have responsibility for the implementation, review, monitoring and performance of any equality schemes (e.g. disability and gender checklists etc) or requirements specific to a service that fall within their directorate.

### **Services**

Heads of service, activity managers and team leaders are responsible for implementing the strategy in the day-to-day delivery of their service, including the collection of data.

### **Employees**

All employees have a responsibility to implement the strategy and work towards the provision of services that meet the goals and objectives of the policy. Appropriate training will be provided to help employees achieve this.

### **Head of Policy**

The Head of Policy will ensure that the Strategy is reviewed and maintained on a 3 yearly basis, and will evaluate and verify performance data that has been provided.

### **Contractors**

When a contractor carries out any function on behalf of the council will be expected to conform to relevant equality legislation.

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## Action Plan 2004/2005

Council outcomes	Equality & Inclusion Strategy outcomes	Measures	Targets	Equality & Inclusion Priority Actions	Specific Actions	Timescale	Responsibility
Effective management				To plan & deliver services	Produce policy statements on age, gender, disability, rural inclusion, sexual orientation and religious belief	Adopted by April 2005	Head of Policy
Key behaviours					Produce guidance on clear print, & interpretation and translation	Adopted by April 2005	Head of Policy
					To improve the accessibility of published information	2007/08	All
					Ensure that key corporate documents are available in different formats	April 2006	Head of Policy
					Revise DDA assessments for HDC buildings	<i>Date to be confirmed</i>	Head of Environment & Transport
Council services that meet local needs	That our services are provided in ways that meet diverse local need	% of local people who believe that council services meet their need	To be determined following baseline assessment after the annual survey (March – May 05)	To develop & support employees	Provide diversity & equality training for employees	6 course per year	Head of Personnel
Accessible services					Provide examples & case studies to help employees (for the above policy statements)	April 2006	Head of Policy
					Produce guidance on different faiths within the district	April 2005	Head of Policy
				To monitor & evaluate performance	Produce guidance on the collection of data relating to ethnicity	September 2005	Head of Policy
					To work towards achieving the Equality Standard for local government	Achieve Level 1 by 2006	All
					To produce guidance for staff to help achieve the Equality Standard for local government	September 2005	Head of Policy
					To assess council services & policies in accordance with the Equality Standard for local government	April 2006	Head of Policy & Heads of Service
					Assess council services and policies in accordance with our Race Equality Scheme	By end March each year	Head of Policy

Council outcomes	Equality & Inclusion Strategy outcomes	Measures	Targets	Equality & Inclusion Priority Actions	Specific Actions	Timescale	Responsibility
Community leadership				To support our communities	Training & development for councillors	2006/7	Policy/Democratic Services & Personnel
Managing expectations	That the council is recognised for promoting equality & inclusion in communities	% of local people who believe that the council promotes equality & inclusion in their communities	To be determined following baseline assessment after the annual survey (March – May 05)		DDA & community buildings  Research to identify the extent of social exclusion in Huntingdonshire  Provide and develop community information centres in Yaxley and Ramsey.	Date to be confirmed  April 2006/7  Yaxley (on-going) Ramsey re-opens after refit May 05	Head of Environment & Transport  Head of Policy  Head of Community Services
Good reputation				To consult & engage with our communities	Provision of grant aid to voluntary and community organisations who meet the District Councils eligibility criteria.  Support the work of Diversity Forum  Involve young people to inform the development of the Young Person's Housing Strategy  Complete the survey of BME communities to inform the BME Housing Strategy  Involve older people to inform the Older Person's Housing Strategy  Contribute to the Diversity Forum project to improve consultation & engagement with BME communities  To support the 'making changes for the future' Local Public Service Agreement (LPSA) project.	On-going  On-going  Date to be confirmed  Date to be confirmed  Date to be confirmed  Autumn 2005  Date to be confirmed	Head of Community Services  Head of Policy  Head of Housing  Head of Housing  Head of Housing  Head of Policy  Head of Policy

### Audit Commission Performance Indicators – Equalities

BVPI	Indicator	Actual 2002/03	Actual 2003/04	Target 2003/04	Target 2004/05	Target 2005/06	Comments
2a	The level of the Equality Standard for Local Government to which the authority conforms	Level 1	Level 1	Level 1	Level 1	Level 1	
2b	The duty to promote race equality check list score	N/A	68%	63%	68%	74%	HDC are in the top quartile
156	The percentage of council buildings open to the public in which <b>all</b> public areas are suitable for and accessible to people with disabilities	6%	6%	12%	12%	12%	Top quartile 2004/06 is 64% HDC achieved 6% (which is equal to 1 building) in 2004/05. Our poor performance is due to many buildings being old and too costly to make alterations.
174	The number of racial incidents recorded by the authority per 100,000 population	0.6	1.2	0	0	0	This relates to where an individual (customer) feels that HDC has discriminated against them in terms of service provision
175	The percentage of racial incidents that resulted in further action	100%	100%	100%	100%	100%	

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### Definitions

The Council recognises that it is important to be guided by national definitions of discrimination and harassment and the terms used in this strategy have been defined below.

Not all of the terms defined below have been used in this strategy however it was decided that because some of these terms are often used without explanation in other documents or reports, it would be useful to provide a definition of them here.

### Consultation

Asking for views on policies or services from staff, colleagues, service-users, general public or representatives from our communities. Different circumstances call for different types of consultation. For example, consultation includes public meetings, focus groups, surveys and questionnaires, and meeting with experts.

### Deprivation

People can be said to be deprived if they lack the types of diet, clothing, housing, household facilities and fuel, and environmental, educational, working and social conditions, activities and facilities which are customary. People are in poverty if they lack the resources to escape deprivation (Townsend 1979).

Deprivation refers to unmet need, which is caused by a lack of resources of all kinds not just financial.

### Discrimination

Discrimination can be both direct and indirect and that it can occur in many ways. The council considers discrimination to be broadly defined as:

*To discriminate is to treat a person more or less favourably on the basis of race, colour, nationality or ethnic origin, religion, culture, gender, disability, age or sexual orientation, or other such category that is irrelevant to the individual's right to receive fair and equal treatment.*

Discrimination on the basis of race, nationality, colour, ethnic origin, gender, age and disability is unlawful. Direct discrimination is deliberate. Indirect discrimination is where an act or failure to act, intentionally or inadvertently, has a disproportionate impact on an individual or a particular group.

### Diversity

No legal or universally agreed definition for diversity exists. Diversity has not replaced equality but has added a further layer of understanding to the statutory obligations about race, gender and disability. Diversity is about improving how people can work together by valuing people's differences and similarities.

## **Institutional discrimination**

The Stephen Lawrence Inquiry Report (Macpherson, 1999) found that institutional discrimination could affect the way organisations operate and the way services are provided. Institutional discrimination is defined as *'the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, ethnic origin, gender, disability or age. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantage on the grounds of ethnicity, gender, disability or age.'*

## **Definition of Disability**

The Disability Discrimination Act (1995) provides the following definition of disability:

'A disabled person has physical or mental impairment which has a substantial, long-term, adverse effect on their ability to carry out normal day to day duties'.

## **Ethnic monitoring**

A process for collecting, storing and analysing data about individuals' ethnic (or racial) background to see whether all groups are fairly represented.

## **Functions**

The full range of activities carried out by a public authority to meet its duties.

## **Policies**

Policies are the sets of principles or criteria that define the different ways in which an organisation carries out its role or functions and meets its duties. Policies also include formal and informal decisions made in the course of their implementation.

## **Poverty**

People are in poverty if they lack the resources to escape deprivation, in other words a lack of money or material possessions. Townsend (1979) describes poverty as 'individuals, families and groups can be said to be in poverty if they lack the resources to obtain the types of diet, participate in the activities and have the living conditions and amenities which are customary, or at least widely encouraged or approved in the societies to which they belong'.

A family can also be defined as being in poverty if their income is 60% lower than the average local earnings.

## **Procurement**

Procurement relates to any process or action carried out by the council that results in the obtaining of goods or services.

## **Race equality duty**

This term is used to refer to both the general duty and, where appropriate, the specific duties, placed on public authorities under section 71(1) of the Race Relations Act 1976, as amended and the Race Relations Act 1976 (Statutory Duties) Order 2001 & Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.

## **Race equality impact assessment**

This is a systematic way of finding out how a proposed policy is likely to affect the promotion of race equality.

## **Race equality scheme**

Most public authorities bound by the general duty have a specific duty to produce a race equality scheme. This is a document setting out how the public authority plans to meet its statutory duties under section 71(1) of the Race Relations Act 1976 and in particular articles 2 (2) and 2 (3) of the Race Relations Act 1976 (Statutory Duties) Order 2001 & articles 2 (3) and 2 (4) of the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002.

## **Racial group**

A group of people defined by race, colour, nationality and ethnic or national origins. All racial groups are protected from unlawful racial discrimination.

## **Racism**

This term is used to describe a range of ideas and attitudes, used to justify placing (a) particular racial group(s) in an inferior position to another. The Race Relations Act (1976) defines 'a racial group' as a group of persons defined by skin colour, race, nationality or ethnic or national origins. These negative attitudes often result in discriminatory or oppressive behaviour.

The Act defines direct racial discrimination as:

- ◆ treating one person less favourably than another on racial grounds. Direct discrimination is unlawful under the Race Relations Act 1976. This definition can be expanded to include other forms of discrimination such as age, disability and gender.

The Act defines indirect racial discrimination as:

- ◆ that a rule or condition which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group
- ◆ the rule is to their disadvantage
- ◆ and the condition or rule cannot be justified on non-racial grounds.

All three conditions must apply. Again this definition can be expanded to include other forms of discrimination such as age, disability and gender.

Definition of Racial Harassment:

Racial harassment is unwanted conduct of a racial nature, or other conduct based on race affecting the dignity of women and men.

Definition of a Racist Incident:

Recommendation 12 of the Stephen Lawrence enquiry defines a racist incident as:

- ◆ any incident, which is perceived to be racist by the victim or any other person.

## **Sexism**

The Sex Discrimination Act 1975 declares that it is unlawful to treat a person more or less favourably than another on the grounds of sex. It is also unlawful to apply a requirement or condition, which discriminates against women because they are less able to comply with it than men are (or vice versa). The same protection applies to married people.

It is also unlawful, in certain circumstances, to treat a person less favourably than another on the grounds that he or she intends to undergo, is undergoing or has undergone gender reassignment (sex change).

## **Sexuality**

This term refers to the general preference of people. It is preferable to the alternative term 'sexual orientation'.

## **Social Exclusion**

Social exclusion is a term used to refer to the experience of specific communities, neighbourhoods, families and individuals. They will have either, a combination of linked problems (such as unemployment, poor skills, low income, poor housing, high crime, ill health, cycles of early pregnancy, family breakdown and isolation) or particular characteristic (such as minority ethnic backgrounds, being in care, old age, drug dependency or abuse, mental illness or a disability). This may mean that their quality of life is significantly disadvantaged compared with the opportunities available to the majority. Social Inclusion encompasses all activities to combat social exclusion.

## Outline of the law relating to equality & inclusion

The council has statutory obligations to promote equalities through the following key pieces of legislation:

- ◆ Disability Discrimination Act (1995)
- ◆ Race Relations Act 1976 and its amendment of 2000
- ◆ Sex Discrimination Act 1975
- ◆ Human Rights Act 1998
- ◆ Anti-discrimination in employment directive
- ◆ UN convention on the rights of the child.

The council also has responsibilities to address specific aspects of equal opportunities or discrimination through other pieces of legislation

### **The Disability Discrimination Act 1995 (DDA)**

The DDA introduces measures aimed at ending discrimination on the grounds of disability. The Act's provisions include employment, access to goods, services and facilities, and the buying and renting of land or property. The Act is being introduced on a staggered basis.

### **The Race Relations Act 1976, The Race Relations (Amendment) Act 2000**

The Race Relations (Amendment) Act 2000 came into force in April 2001 and strengthens the 1976 Act. It arose in part due to the Stephen Lawrence Inquiry and has been targeted at the public sector. It places a new duty on all public authorities to eliminate discrimination, promote racial equality and promote good race relations.

### **Sex Discrimination Act 1975**

The Sex Discrimination Act 1975 (SDA) prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination in employment against married people. The SDA applies to women and men of any age, including children.

### **The Human Rights Act 1998**

The Human Rights Act came into force in October 2000. The Act allows people to claim their rights under the European Convention on Human Rights (ECHR) in all UK courts and tribunals instead of going to the European Court in Strasbourg. The Act requires all public authorities in the UK to act in compliance with the Convention rights and has many implications for local government activity.

## **Anti-Discrimination in Employment Directive (Religious belief & sexual orientation and age)**

The Anti-Discrimination in Employment Directive sets out a general framework for equal treatment in employment and occupation. One of the aims of this Directive is to outlaw discrimination against people at work on the grounds of their religion or belief or sexual orientation.

The provision relating to sexual orientation and religion or belief came into effect in the UK in December 2003. It is now be unlawful for any employer to discriminate against employees and potential employees because of their religion, because of their beliefs or because of their sexuality.

The approach taken to implement these provisions will largely mirror the existing sex discrimination and race discrimination legislation.

### **Definitions**

- Sexual orientation includes orientation towards the same sex, the opposite sex or both sexes.
- Religion or belief is defined as, 'any religion, religious belief, or similar philosophical belief. This excludes 'any philosophical or political belief unless that belief is similar to a religious belief'. Factors to take into account when defining a religious belief include:
  - Collective worship, or
  - Clear belief system, or
  - Profound belief affecting way of life, or work view.

Similar provisions relating to age and employment must be implemented by 2 December 2006. The council also has responsibilities to promote equal opportunities on the grounds of age through working to the standards set out in the Government Statutory Code of Guidance on Age Discrimination in Employment (DFEE 1999) and in advance of the European Union Directive on eliminating age discrimination, when age discrimination in employment and vocational training will become unlawful on 1<sup>st</sup> October 2006

## **UN Convention on the Rights of the Child**

The UK signed up to this convention in December 1991. it sets out 42 articles that define basic rights that all young people under the age of 18 years are entitled to. States that are party to the convention are obliged to develop and undertake all actions in light of the best interests of the child. Particular relevant articles to the work of a local authority are articles 9, 12, 15, 16, 19, 23 & 31.

# Huntingdonshire District Council

## Race Equality Scheme

### Introduction

The Council has a duty to promote race equality. We are also committed to eliminating discrimination and promoting equality of opportunity and good race relations. This scheme describes how we intend to fulfil this positive commitment and to meet our duty.

### Functions and Policies

We have identified our functions and formal policies and given them a priority depending on their relevance to race equality. We will use this review as a programme to assess all our functions over the next three years, as follows –

Year	Priority
2005/06	1
2006/07	2
2007/08	3

By functions we mean the full range of the Council's activities and services provided in accordance with our duties and powers.

By policies we mean formal and informal decisions, procedures, plans, strategies and objectives about how we carry out our duties and use our powers.

### Strategic Aims for Race Equality

Our Corporate plan – Growing Success - recognises that:

- ◆ Huntingdonshire is made up of many different communities;
- ◆ some communities have greater or different needs than others;
- ◆ equality doesn't mean doing the same for everyone;
- ◆ to make progress we must put more resources to meet the greatest needs;
- ◆ we can't afford to ignore communities with fewer needs; and
- ◆ everyone needs to feel involved.

Our Equality & Inclusion Strategy formalises our commitment to race equality in providing high quality services and effective community leadership.

We intend to do this, through –

- ◆ planning and delivering services
- ◆ monitoring and evaluation
- ◆ consultation and engagement
- ◆ developing & supporting employees
- ◆ supporting our communities

## Planning and delivering our services

We will ensure that information about the Council and our services is available to all sections of our communities and that services are accessible to everyone. To do this we will –

- ◆ consider access to information and services when assessing and monitoring services
- ◆ make sure our staff have the necessary skills, information and understanding to provide services and information equally and fairly
- ◆ ask local communities what services and information they need and how they want them provided.

## Monitoring and evaluation

In a three year cycle we will make a detailed assessment of all our functions and policies, both formal and informal, to ensure that, where relevant, the way that we carry out those functions –

- eliminates racial discrimination
- promotes equality of opportunity; and
- promotes good relations between persons of different racial groups.

Specifically, we will continue to examine each function and policy according to the priority given to it to identify whether there is evidence that they are affecting racial groups differently. To do this we will –

- ◆ use ethnic monitoring to collect and analyse information about people's racial and ethnic origins to assess fair access to and use of services
- ◆ use national guidance and definitions to inform our assessments
- ◆ use historical data, including any available evidence, complaints or public concerns, survey and research findings, ethnic data and census results or general or specific research to assess the effectiveness of our services in promoting race equality
- ◆ compare our policies and the way we carry out our functions with other local authorities and public bodies.

We will monitor and analyse our policies and functions for any adverse impact on the promotion of race equality. We will use a range of methods to do this –

- statistical analysis of ethnic data
- satisfaction surveys analysed by racial group
- random or targeted surveys
- qualitative research

We will use the same ethnic classification system for ethnic monitoring as that used in the 2001 Census, except where research is targeted at specific communities where more detailed information might be required.

We will incorporate consideration of the duty into review programmes, including service reviews and performance management systems.

We will use the results of assessment, consultation and monitoring to ensure we avoid or minimise adverse impacts on race equality and race relations. The information will be used to understand and meet the needs of different racial groups and to make new arrangements or change arrangements so that our policies and the way we carry out our functions promote race equality. Any new arrangements or changes we make will be relevant to the nature of the policy or function and its possible effect on the public, particularly any racial group.

## **Consultation and engagement**

We will undertake clear, representative and proportionate consultation, using a range of appropriate methods. Specifically we will try to engage people from different racial or ethnic communities to ensure that any new policy does not discriminate or harm good race relations.

## **Developing and supporting our employees**

To help us achieve our commitments and duty we will carry out monitoring of our employees throughout their employment cycle – from application to leaving. This monitoring will enable us to measure the progress in promoting equality of opportunity and achieving a representative workforce.

Specifically, we will –

- collect ethnic monitoring data for existing employees, applicants for employment, for training, promotion, performance assessment, for staff involved in grievance or disciplinary procedures and for employees who leave
- analyse the data to find any patterns of inequality or practices which might harm race relations
- take any action necessary to remove barriers or discrimination and to promote equality of opportunity and good race relations
- publish the results of our monitoring each year.

The ethnic monitoring of employees will be combined with the monitoring of other data in our information systems to build on current practices to promote equal opportunity.

The ethnic monitoring of employees will be reported annually to the Council's Employment Panel.

The Council has commissioned a training and development programme for its employees to promote an understanding of equality and its implications for meeting the Council's goals and objectives. The programme will incorporate the requirements and benefits of meeting the duty and our commitment to promoting race equality.

Senior management and employees who will be directly responsible for this Scheme will receive additional specific training.

The Council's induction programme for new employees will include initial training on the importance of equality and specifically promoting race equality to meeting the Council's objectives.

## Supporting our Communities

To ensure that we promote race equality within our communities we will:

- ◆ Support Council Members to represent and support communities and individuals
- ◆ Identify the needs of different communities
- ◆ Promote activity in community based organisations
- ◆ Identify socially excluded groups and develop measures to promote inclusion
- ◆ Ensure that community and welfare rights information is easily available
- ◆ Engage and support voluntary, community, charitable organisations and social enterprises.

## Publishing Results

The results of our assessments, consultation and monitoring and reviews of this scheme will be made available in a way that is appropriate, accessible and proportionate.

A copy of the report compiled after each assessment will be available in full on our Website ([www.huntsdc.gov.uk](http://www.huntsdc.gov.uk)) or on request from the Policy Division, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN 01480 388032.

Where appropriate the Council will consider using or commissioning new methods of publication that are proportionate to achieving race equality.

## Complaints

Complaints about how we are meeting our duties or other complaints about race equality will be dealt with through our established complaints procedure, which is available to all members of the public.

**EAST OF ENGLAND PLAN – CONSULTATION ON THE  
DRAFT REGIONAL SPATIAL STRATEGY FOR THE EAST OF ENGLAND  
(Report by Head of Planning Services)**

**1. INTRODUCTION**

- 1.1 This report sets out the most significant elements of the East of England Plan (draft revision to the Regional Spatial Strategy for the East of England) issued for consultation in December 2004 and seeks approval for the content of representations to be made to the Regional Assembly.

**2. BACKGROUND**

- 2.1 The draft East of England Plan was submitted to ODPM on 25 November 2004. The letter accompanying the submission stated that the Regional Assembly did not believe it would be possible to deliver increased growth rates without significant investment in infrastructure. Following announcement in early December of the outcomes of the government's spending review for 2005-08 the Regional Assembly voted on 10 December 2004 to suspend its endorsement of the draft East of England Plan pending a re-examination of the government's willingness to provide adequate financial support for the infrastructure necessary to service the anticipated level of growth. However, the Regional Assembly reiterated its commitment to the public consultation on the draft East of England Plan to gauge the response to the development proposals.
- 2.2 The consultation is due to close on 16 March 2005. Permission has been sought to submit our representations on 18 March to follow the decisions made by this meeting. An examination in public is scheduled to start on 13 September 2005 with final approval anticipated by autumn 2006.

**3. EAST OF ENGLAND PLAN PROPOSALS**

- 3.1 The key strategy of the East of England Plan proposes –
- ◆ Employment led growth based on key economic sectors and cluster development.
  - ◆ A stronger focus on regeneration of lagging areas.
  - ◆ A 15% increase in future housing provision.
  - ◆ A doubling of affordable housing output.
  - ◆ A proactive approach to implementation.
  - ◆ A regional transport strategy pursuing a more sustainable approach to future transportation planning.
- 3.2 The Plan proposes a total of 478,000 additional dwellings in the region for the period 2001-2021, equating to 23,900 per year. Of these 89,300 are allocated to Cambridgeshire and Peterborough of which 11,200 are allocated to Huntingdonshire, equating to 560 per

year. To put this in context the 1995 Cambridgeshire Structure Plan allocated 820 dwellings per year to Huntingdonshire for 1991-2006. Some 9,684 dwellings have been completed in the district between 1991 and March 2004, with 2,344 outstanding permissions and 2,848 dwellings allocated as at March 2004.

- 3.3 Two particular points of controversy have arisen during the preparation of the Plan. Firstly, whether an additional 18,000 dwellings requested by the Government could be added to increase the total allocation to 496,000. Detailed studies were made investigating the potential for additional growth in the London-Stansted-Cambridge-Peterborough corridor to increase the contribution to the Sustainable Communities Plan. Secondly, the Aviation White Paper's proposal for a second runway at Stansted Airport. The Regional Assembly decided to not incorporate the additional 18,000 dwellings as they were not convinced of either the need for them, or that they could be provided in a sustainable manner. The Assembly also remain unconvinced of the economic benefit of a second runway at Stansted and consider the environmental impacts to be unacceptable.

#### **4. SUGGESTED REPRESENTATIONS**

- 4.1 Representations need to be made to the Regional Assembly on issues concerning the Plan as a whole and on specific points within the document. The Plan is heavily premised on the need for the Government to ensure that the step change in growth and housing numbers for the region as a whole is fully underpinned by infrastructure provision. Although the Plan itself is not concerned with the financial aspects of ensuring the implementation of its strategy, it would seem reasonable to make representations concerning the necessity of adequate financial support for such infrastructure provision. Otherwise the step change in housing provision may not be possible which could result in increased pressures for growth in Huntingdonshire resulting from diversion of growth from more congested areas, or increased housing shortages.

- 4.2 Other issues concerning the Plan as a whole on which representations need to be made include –

- ◆ The excessive length of the document.
- ◆ Frequent and unnecessary repetition of PPG and PPS guidance.
- ◆ Difficulty of navigation of the Plan.
- ◆ Lack of a cohesive approach to the sub-regional elements, including significant repetition of strategic approaches in each section that could be addressed once in chapter 4.

- 4.3 More specific issues of concern within the document include –

- ◆ Inconsistency between policy H1 which gives housing numbers for each district and policy CSR2 which gives the scale of housing provision and distribution in the Cambridge sub-region.

CSR2 should be amended to allocate dwelling numbers to specific districts to facilitate implementation.

- ◆ In policy SS13 affordable housing should respond to local needs levels, not set a minimum figure.
- ◆ Para 5.114 expresses the expectation that employment development will also be expected to contribute towards affordable housing. Objection should be raised to this as it is inappropriate in many parts of the region which already struggle to attract employment growth. The Plan should be altered to suggest that this only be applied in areas where there is both high demand for employment development and shortages of affordable housing.
- ◆ Policy E2 allocates job growth targets, including 500 jobs to the 'rest of Cambs'. These should be redirected to the two sub-regions within the county as the only areas left outside these two sub regions are Littleport, Kimbolton, Buckden and Ellington, where clearly employment growth of this scale is inappropriate.
- ◆ Policy E2 sets targets for growth in jobs rather than the amount of employment land to be allocated. An additional supporting section is required distinguishing between employment targets and employment land release.
- ◆ Paragraph 6.19 concludes with the statement that "where a need is identified, readily available serviced strategic employment sites solely for warehousing and distribution will also be proposed". This requires amending not only to refer to 'need' but also where such development can contribute to a sustainable pattern of distribution.
- ◆ Policy H2 considers affordable housing and mix of housing types. It contains no reference to a requirement for Local Development documents to assess the need and provision of gypsy and travellers sites.
- ◆ Paragraph 5.112 refers to the redevelopment of Alconbury Airfield for significant employment use and comments that it may be suitable for the successful relocation of aircraft maintenance facilities from Cambridge Airport. Whilst it is recognised that this is one of the options under consideration it is by no means clear that this would be the most appropriate option (or even available) or what the implications would be if this were to become the preferred option. Strong reservations should be expressed and appropriate changes sought to the text of RPS.

4.4 A number of elements within the Plan are worthy of specific support, these include –

- ◆ Policy SS2 which sets out the strategy of urban concentration to 2021. It advocates an early review of the Plan; this review should go further than the suggested consideration of a major new settlement.
- ◆ Policy H1 which sets out the level of housing provision. The targets for the local area strongly focus on Cambridge city and South Cambridgeshire to try to provide more homes in close

proximity to employment concentrations to reduce commuting levels.

- ◆ CSR1 which sets out the location of housing and related development in the Cambridge sub-region contains a specific reference to the reuse of Alconbury Airfield for employment and flexibility to modify the sequence of land search to ensure a sustainable pattern of development in the vicinity, if required.

## **5. RECOMMENDATION**

- 5.1 That the Cabinet agree that representations be made to the Regional Assembly based on the general and specific points raised above.

## **BACKGROUND PAPERS**

East of England Plan - Draft revision to the Regional Spatial Strategy for the East of England (2004)

**Contact Officer:** Clare Bond, Principal Planner  
☎ 01480 388435

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## Standards Committee

Report of the meeting held on 10th March 2005

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### Matters for Information

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#### **14. A CODE FOR THE FUTURE – CONSULTATION PAPER ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

The Standards Board for England has commenced a consultation process to review the Members' Code of Conduct which originally came into force for all authorities in May 2002. The Board has identified the following key areas for review and formulated 29 questions as the basis for consultation with Councillors, interested groups and representative organisations -

- ◆ public interest defence in relation to disclosure of confidential information;
- ◆ the duty for Members to report misconduct by colleagues;
- ◆ the line between public and private conduct;
- ◆ personal and prejudicial interests; and
- ◆ registering interests.

Before formulating their response to the consultation, the Committee were of the view that all Members should be given the opportunity to comment and, should there be sufficient interest, for a workshop to be held to discuss possible changes to the Code. A special meeting of the Committee will therefore take place on 6th June 2005 to consider any views expressed by Members and to conclude the response to the Board by the deadline of 17th June 2005.

#### **15. APPLICATION FOR DISPENSATION**

Having regard to advice received from the Monitoring Officer, the Committee has granted dispensations to allow six Members of Alconbury Parish Council to speak and vote on those occasions when the Council is consulted on the Alconbury Flood Alleviation Scheme and any associated planning application during the period ending 30th April 2006. Applications for newly elected Councillors will need to be submitted should it be considered necessary after that date.

#### **16. LOCAL INVESTIGATION REGULATIONS**

In its report to the last meeting of the Council (Item No 10 refers) on the Regulations that enable local authority Monitoring Officers to investigate alleged breaches of the Members' Code of Conduct, the Committee were concerned to ensure that the Council's insurers

would meet any legal costs that might accrue from the defence of any claim for defamation or damages awarded against an Investigating Officer or any other person mentioned in a report by that Officer.

The Committee were pleased to note that the Council's insurers have confirmed that existing policy arrangements will suffice for this purpose.

**17. MODEL CODE OF CONDUCT –  
STANDARDS BOARD NOTIFICATIONS**

In accordance with the procedure adopted by the Standards Board for England, the Committee has been informed that the Board has decided not to take any further action in relation to an allegation made against a District Councillor but to refer for full investigation two cases involving Members of Bluntisham and Oldhurst Parish Councils.

**18. CURRENT ISSUES**

The Committee has approved the attendance of their Chairman and Vice-Chairman (or their nominees), a representative of the Opposition Group on the Committee, an Independent Member and a Town/Parish Council representative at the fourth Annual Assembly of Standards Committees Conference to be held in Birmingham on 5th and 6th September 2005.

On this occasion, the conference to be entitled "In Your Hands", will focus on the work of Standards Committees in local government and will examine, among other things, good and bad practice, identify areas for improvement and consider what further support and guidance could be offered in the future.

D H Bristow  
Chairman

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## Overview and Scrutiny (Planning and Finance)

Report of the meetings held on 8th February and 8th March and a Joint Meeting with the Overview and Scrutiny Panel (Service Delivery and Resources) held on 8th March 2005

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### Matters for Information

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#### **54. COUNCIL TRAVEL PLAN 2005 - 2010**

The Panel has considered a draft Travel Plan 2005 – 2010 for the Council, prior to its submission to the Cabinet.

In so doing, Members expressed disappointment that the performance targets and suggested outcomes did not appear particularly challenging nor ambitious and that the Plan lacked detailed explanations as to how the specific aims and objectives would be achieved. Having been advised that the action plan arising from the outcome of consultation with employees will provide a more robust framework and contain the detail which Members sought, the Panel have agreed to consider the action plan at a future meeting.

(The Travel Plan has subsequently been approved by the Cabinet for consultation purposes – Item No. 131 of their Report to Council refers).

#### **55. CORE STRATEGY DPD: INITIAL CONSULTATION ON OPTIONS**

The Panel has considered potential policy approaches which might be considered appropriate for inclusion as Core Policies in the Council's Core Strategy Development Plan document as part of the new planning system which has replaced Local Plans.

In considering the key policy changes, the Panel has discussed a number of issues relating to the sustainability of services in smaller settlements, the intention to dispense with settlement boundaries in smaller settlements and contributions from Section 106 Agreements to infrastructure improvements. The Panel has reiterated its concern to ensure that Huntingdonshire receives a proportionate share of investment from Cambridge Horizons in relation to Section 106 Agreements for development in Huntingdonshire.

The Panel has also discussed the policy concerning the mix of housing size on developments. Having being informed that a recent

Government consultation paper has proposed that the housing mix of sites should be a matter for market determination, the Panel has expressed its opposition to the change and its support for the policy area as drafted for inclusion in the Council's Core Strategy DPD.

**56. COMMUNITY SAFETY STRATEGY**

The Panel has considered the draft Community Safety Strategy prepared by the Huntingdonshire Community Safety Partnership for the period 2005 to 2008.

Having been informed that the Partnership is required to produce a strategy for reducing crime and disorder in the local area every 3 years, the Panel's attention has been drawn to the 6 key priorities proposed for inclusion in the new Strategy, which have been developed following an audit of crime in the local area and a period of public consultation.

Having raised a number of concerns relating to the deployment of Police Community Support Officers in the District, the allocation of recent Home Office funding and the perceived lack of a visible Police presence in rural villages, the Panel has recommended that the Community Safety Strategy for 2005 – 08 be approved by the Council.

(Item No. 127 of the Cabinet report refers).

**57. WASTE PFI UPDATE AND RECYCLING BUDGET**

The Panel has been acquainted with recent developments surrounding the County Council's application for Private Finance Initiative (PFI) credits to support future waste disposal arrangements in Cambridgeshire. To reduce contractual risk and associated costs, the County Council are now anxious to negotiate a "partnering agreement" with each of the waste collection authorities in Cambridgeshire, which will contain details of the types and manner of delivery of waste to be processed by the treatment facilities. The Panel has also been updated with the reasons for variations in the Council's recycling budget.

**58. DELIVERING EFFICIENCY SAVINGS**

The Panel has considered the scope for the Council to deliver efficiency savings to achieve the Government's targets under the Gershon Review.

Members have been informed that the scope for achieving improvements in procurement is considered to be high, compared with medium for savings in productive time and low in back-office integration and transactional services. Work on procurement savings will be assisted by the Eastern Centre of Excellence together with collaborative work with other authorities in Cambridgeshire and elsewhere.

Having been informed that the Council's first Annual Efficiency statement would be considered by the Cabinet at their meeting on the 7th April 2005 prior to its submission to the Office of the Deputy Prime Minister on the 14th April, Members have concluded that they have no specific comments which they wish to draw to the attention of the Cabinet.

**59. REVIEW OF THE CONSTITUTION**

As part of the annual review of the Council's Constitution, the Panel has decided not to submit any comments on the present arrangements for consideration by the Corporate Governance Panel.

**60. LOCAL GOVERNMENT ACT 2000: FORWARD PLAN**

The Panel has been acquainted with details of the Forward Plan of key decisions, which has been prepared by the Leader of the Council.

**61. PROGRESS**

The Panel has been apprised of the progress of actions required as a result of its previous decisions. In so doing, the Panel has noted progress to date into their studies into trees and hedgerows, Member development, the base budget and issues associated with office accommodation.

**62. HEADQUARTERS AND OTHER ACCOMMODATION**

A joint meeting of the Overview and Scrutiny Panels has considered the results of a feasibility study undertaken by Lambert Smith Hampton into the options for the District Council's future Headquarters and Depot accommodation. In so doing, the Panels discussed the potential advantages and disadvantages associated with each of the potential sites identified in the feasibility study. A number of questions were raised in relation to the extent of the consultation undertaken to date and the level of investigation into alternative sites.

Following their previous representations to the Cabinet, the Panels have reiterated their concern relating to the limitation of options in the study to Huntingdon town centre to the exclusion of any examination of an edge-of-town centre site. Members have been reminded by the Leader of the reasons why the Office Accommodation Advisory Group had recommended a town centre location including accessibility for both the public and staff, Huntingdon's public transportation links and the perceived detrimental impact on the town centre economy if the Council's headquarters were located elsewhere. A further reason given was the desirability of co-locating the Council's headquarters and customer service centre. In respect of their previous requests for consideration to be given to an out of town centre location, the Panel have been informed that Officers had been unable to identify any alternative sites that were affordable although the Leader indicated that he was prepared to extend the

parameters of the site search should the preferred site not be feasible.

In response to questions raised about the sequential test to site selection, the Panels have been advised that the Council could relocate offices outside the town centre but only if there were sound and justifiable reasons for doing so. In the opinion of Officers, there was a strong possibility of a planning application for a headquarters location outside the town centre being "called in" by the Government's Eastern Regional Office.

Doubts were expressed by Members in relation to the size of the preferred site and the implications of sharing facilities with other public sector bodies. Notwithstanding Planning Policy Guidance on parking provision, Members also foresaw problems arising from the level of parking provision unless a satisfactory and effective travel to work scheme could be implemented.

In considering the recommendations of the Office Accommodation Advisory Group, the Panel has recommended to the Cabinet that the investigation of sites should not be restricted solely to Huntingdon town centre, and that further consideration be given to possible alternative locations for office accommodation outside the town centre of Huntingdon. In so doing, however, the Panels recognised the importance of locating the proposed customer service centre in Huntingdon Town Centre.

The comments of the Panels were conveyed to the Cabinet for consideration at their meeting to be held on 17th March 2005, (Item No. 149 of their Report refers).

P A Swales  
Chairman

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## Overview and Scrutiny (Service Delivery and Resources)

Report of the meeting held on 1st March 2005

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### Matters for Information

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#### **41. HEAR BY RIGHT**

In pursuit of its study on Services for Young People, the Panel has received a presentation by Mr B Badham of the National Youth Agency on Hear By Right. Mr Badham has outlined the legislative framework in which young people's services operate and, in particular, the areas where improvements are required to ensure their equal standing in society. Whilst the District Council has few legal duties in this area, Mr Badham has expressed the view that it has a moral obligation towards young people. The Council's services can better meet their needs if a learning culture exists and young people are given the skills to participate effectively in the service planning process.

The District Council's Policy Officer – Young People, Ms G Hanby, has updated the Panel on developments with regard to young people since she last addressed them on this matter. A programme of workshops has been held with officers to identify the Council's existing work with young people, to review progress and to suggest areas for change. The workshops have established that the current arrangements are ad-hoc and rely on the commitment of key personnel. It has further been found that the potential exists to involve young people in decision making in most areas of the Council's activities. As a result an Action Plan has been devised, designed to improve the Council's classification against the Hear By Rights Standards.

Mr Badham concluded the presentation by stressing the flexible nature and proven value of the Hear By Right Framework, the importance of taking small measurable steps rather than introducing large formal structures, which are perceived as threatening by young people and the tangible benefits to be derived from Hear By Right.

The Panel has established that Hear By Right applies to young people of all ages, including in some cases those up to 21 years. The methods through which young people can be consulted also have been considered and include presenting information in interesting and practical ways and engaging partner organisations to involve them. Consultation varies according to the issue involved, but might form

part of the school's curriculum, work carried out by Parish Councils or the remits of dedicated workers. The Panel has concluded that participants should routinely be given feedback on the results of consultation to demonstrate the value of their contribution.

The Panel has been informed that Hear By Right aims to be inclusive so as to build stronger communities and actively seeks the involvement of parents. The Panel also has received details of the way the Council endeavours to encourage practical citizenship, engage those on the fringes of society and ensure that changes introduced as a result of Hear By Right are sustainable.

The Panel has reviewed the Hear By Right Action Plan for Working Towards Emerging Status for Huntingdonshire District Council and requested that it is amended to include timescales and priorities and submitted to a future meeting when it will be considered further in the context of evidence previously presented by Connexions.

#### **42. EQUALITY AND INCLUSION STRATEGY AND RACE EQUALITY SCHEME**

The Panel has endorsed for submission to the Council a revised and enhanced Equality and Inclusion Strategy, which includes an updated Race Equality Scheme. The Panel has been acquainted with the particular circumstances in Huntingdonshire, the hot spots of diversity, the Action Plan and the main outcomes that the Strategy is designed to achieve.

The Panel has discussed the position with regard to Officers and Members; however, as the document applies only to service provision, it has been concluded that such references should not be included in the Strategy.

The Panel also has discussed consultation and engagement with communities, low level crime, travellers, vetting of contractors and elderly people, following which further information has been requested on the Council's rating against the Equality Standard for Local Government and on the difficulties the Council faces becoming compliant with the Disability Discrimination Act.

#### **43. REVIEW OF THE HOUSING REGISTER AND NOMINATIONS POLICY**

The Panel has endorsed a revised Housing Register and Nominations Policy for submission to the Cabinet, which has been revised to take greater account of over-crowded conditions and residents wishing to move to smaller accommodation. The Panel has also been informed of the impact of the Housing Register Policy and its associated points system since its introduction in September 2003.

The Panel has discussed levels of occupancy in the District, the private housing sector and requirements for social housing as part of new developments.

The Panel has requested details of the operation of choice-based letting systems, which are likely to be imposed on the Council by the Office of the Deputy Prime Minister.

**44. YOUNG PERSONS' HOUSING STRATEGY 2005 – 2007**

The Panel has endorsed for submission to the Council the Young Persons' Housing Strategy for 2005 – 2007. The Panel has been informed that the Strategy relates to those aged 16 – 29 years and of its resource implications, which include maximising the development of affordable housing, provision of additional supported housing and provision of adequate support services.

The Panel has discussed the funding of additional affordable housing and the systems in place with social services to identify those likely to become homeless.

**45. REVIEW OF THE CONSTITUTION**

Pursuant to Item No. 35 of their Report to the meeting of the Council held on 16th February 2005, the Panel has further discussed the Council's Constitution as part of the Annual Review. The Panel has reiterated their previous recommendations for changes to the way overview and scrutiny is carried out and requested the Corporate Governance Panel to consider the introduction of four overview and scrutiny panels aligned to portfolio responsibilities comprising fewer Members than at present, to clarify the remits of the Panels so as to ensure they are mutually exclusive and to introduce provision for joint meetings where appropriate.

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**Other Matters of Interest**

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**46. FORWARD PLAN**

The Panel has been acquainted with details of the Forward Plan of forthcoming key decisions which has been prepared by the Leader of the Council.

**47. SCRUTINY**

The Panel has considered the latest edition of the Decision Digest. A number of queries raised with regard to items appearing in the Digest have been answered to Members' satisfaction.

K Reynolds  
Chairman

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## Development Control Panel

Report of the meetings held on 9th and 21st February and 21st March 2005

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### Matter for Decision

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**23. CREATION OF FOOTPATH AT ST GERMAIN WALK, HUNTINGDON**

Further to Item No. 11 of their Report to the meeting of the Council held on 8th December 2004, the Panel has been acquainted with the current position in regard to the possibility of making a Footpath Creation Order at St Germain Walk, Huntingdon. A copy of the report submitted to the Panel is reproduced as an Appendix.

Following further consultation, the Panel has noted that the County Council would have no objection to the creation of a footpath at St Germain Street and that Huntingdon Town Council had supported the proposal for a right of way and removal of the gate to Chequers Court as part of that process.

Specialist legal advice was presented to the Panel which had regard to the history of the issue, the planning process, previous reports to the Panel and the Council's decision to adopt an Urban Development Framework for land at Chequers Court in April 2004. The Panel were advised that Counsel had concluded that the Council would have no reasonable prospect of success at an Inquiry which would inevitably ensue from having made an Order and, in the unlikely event that the Order was confirmed, the Council also would be liable for the payment of compensation to the landowner and occupier of the land over which the footpath would be created. Given the lengthy process involved and the potential commercial loss to the owner, it was anticipated that the compensation payable would be substantial.

During lengthy discussion, reference was made to the likelihood that a proposed shop mobility scheme for Huntingdon could be progressed by the Autumn. Having also discussed the importance of the Urban Design Framework for Chequers Court in terms of the future vitality and viability of Huntingdon and the opportunity it presented to ensure access to the town centre was comprehensively addressed, the Panel

### **RECOMMEND**

- (a) that, in the light of specialist advice on the expediency of making an Order under Section 26 of

the Highways Act 1980, the very limited prospects of success in a public inquiry and the significant compensation likely to be payable in the event of such an Order being confirmed, a Footpath Creation Order at St. Germain Walk, Huntingdon be not made;

- (b) that, pending a long term solution as part of the comprehensive redevelopment of the area, Officers be requested to investigate, as a matter of urgency, alternative measures to assist access for the disabled, including the possibility of introducing a shop mobility scheme; and
- (c) that, as proposals are being developed for the future of this area, negotiations be conducted to seek to achieve improved access throughout the development area and that, where feasible, these be scheduled for early implementation.

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### Matters for Information

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**24. URBAN DESIGN FRAMEWORKS –  
ANGLIAN HOUSE, HUNTINGDON, ST IVES WEST AND  
ST NEOTS COMMUNITY COLLEGE**

The Panel has endorsed the content of the Urban Design Frameworks for –

- ◆ Anglian House, Huntingdon;
- ◆ St Ives West; and
- ◆ St Neots Community College.

Urban Design Frameworks provide a framework to co-ordinate emerging proposals within a particular location and offer specific guidance to potential developers so development of land progresses in accordance with the Council's planning and design requirements and recognises wider visual and townscape considerations and site specific opportunities and constraints.

The representations of the Panel on each site have been forwarded to the Cabinet.

**25. CORE STRATEGY DPD: INITIAL CONSULTATION OPTIONS**

Having been acquainted, at a special meeting, with the details and requirements of new planning legislation, the Panel as a stakeholder in the process, has been invited to consider the potential approaches which might be considered appropriate for inclusion as "core policies" in the Council's first Development Plan Document (DPD). Once completed, this document will prescribe the Council's overall

approach to development and the key policies that will be used when considering individual planning proposals.

Following detailed discussion of each policy approach, the Panel made a number of comments which the Development Plan Manager undertook to consider further. Subject to these comments, the Panel endorsed the general approach of the “initial consultation on options” report and advised the Cabinet of their support for the content of Policy Area H4 – a mix of property sizes – considered to be essential for the future of village life in the District and strong opposition to an approach to housing mix promulgated in a consultation paper published by the Office of the Deputy Prime Minister which has suggested that housing mix should be left to the market to determine.

## **26. REVIEW OF THE CONSTITUTION**

The Panel has conveyed a suggestion to the Corporate Governance Panel to the effect that Members of the Development Control Panel should receive training in planning and probity matters prior to their appointment to that Panel and that further training also should be delivered to town and parish councils.

As the issue of Member development currently is being progressed by the Overview and Scrutiny Panel (Planning and Finance) it was suggested that the training referred to might be incorporated as part of that scrutiny study.

## **27. TOWN AND COUNTRY PLANNING (RESIDENTIAL DENSITY) (LONDON, SOUTH-EAST ENGLAND, SOUTH-WEST ENGLAND, EAST OF ENGLAND AND NORTHAMPTONSHIRE) DIRECTION 2005**

In 2002 a Direction was issued to planning authorities in London and the South East of England requiring residential development proposals to meet minimum density standards. The Panel has been informed that, with effect from 28th February 2005, this Direction has been extended to include the East of England.

This means that when a local planning authority is minded to approve an application where a proposed residential development site comprises one hectare or more and the proposed residential density is either not provided or would be less than 30 dwellings per hectare, the application in question is required to be referred to the appropriate Government Office (Go East). In these circumstances, the District Council would have to demonstrate to Go East that the application would make the best use of land as set out in Planning Policy Guidance Note No. 3 and the relevant spatial strategy.

The Panel has noted that the Secretary of State may “call-in” an application if a reduction in density could not be justified.

**28. PLANNING APPLICATIONS - TARGETS FOR DETERMINATION**

The Panel has been informed that the Council, as local planning authority, may be designated as a planning application “standards authority” in 2005/06. This is because the Council has found it difficult to meet its performance targets in terms of the determination of minor planning applications in the year ending June 2004. Through monitoring the activities of the development control service, the Panel has been aware of the volume and complexity of applications being generated by development pressures in Huntingdonshire at a time when the service has lost experienced planning officers.

Having been advised of the implications were the Council to be designated a “standards authority” in terms of redefined targets and the potential loss of planning delivery grant, the Panel has endorsed a series of procedural and operational measures which will be put into place to ensure that applications can be dealt with as effectively and efficiently as possible.

In noting that the Head of Planning Services would be undertaking a review of Planning Services, to include recruitment and retention issues, for submission to Employment Panel and the Cabinet in the Summer, the Panel undertook to continue to monitor performance and to reconsider the issues involved in the event that the Council is designated as a “standards authority” in 2005/06.

**29. DEVELOPMENT CONTROL ACTIVITIES –  
1ST OCTOBER – 31ST DECEMBER 2004**

Following on from Item No. 28 ante, the Panel considered a statistical report on the performance of the Development Control Section of the Planning Division over the period 1st October – 31st December 2004. Attention was drawn to the percentage of major and minor applications determined against national performance targets and the difficulty experienced in achieving the percentages demanded within the designated timeframes when Officers in the development control service had a caseload in excess of the accepted average carried by Officers across authorities as a whole.

**30. DEVELOPMENT APPLICATIONS**

Over two meetings the Panel has determined a total of twenty nine applications of which sixteen were approved, twelve refused and one deferred.

Most notably, the Panel has approved outline applications for residential development on three sites off the A1123 Houghton Road, west of St. Ives. Residential development was established by allocations in the adopted Huntingdonshire Local Plan Alteration, 2002. Negotiations on proposed S106 Agreements have progressed for each of the three sites and, whilst these are still ongoing, the Agreements should secure contributions towards –

- ◆ transport related items such as pedestrian and cycle links, bus lanes and road safety schemes;
- ◆ affordable housing;
- ◆ primary and secondary education;
- ◆ health facilities;
- ◆ sports provision and play equipment;
- ◆ structural planning and open space; and
- ◆ surface water drainage – maintenance scheme

The Section 106 Agreement Advisory Group have indicated their support for the content of these proposed Agreements.

P G Mitchell  
Chairman

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**CREATION OF FOOTPATH AT  
ST GERMAIN WALK HUNTINGDON**  
(Report by the Head of Planning and the Head of Legal and Estates)

**1. INTRODUCTION**

- 1.1 At its meeting on 15th November, 2004, the Development Control Panel resolved to consult with the County Council and Town Council over the possibility of making a Footpath Creation Order at St Germain Walk and also to seek specialist advice with regard to the proposal, specifically with regard to the level of compensation that might be payable in the event of an Order being made.
- 1.2 A copy of the original report is attached which sets out the planning history and the legal process for making a Public Path Creation Order under Section 26 of the Highways Act 1980.

**2. RESPONSES TO CONSULTATION**

- 2.1 The County Council have indicated that they would have no objection to a Footpath Creation Order, provided that any new footpath linked directly to existing public highway at both ends.
- 2.2 Huntingdon Town Council support the proposal to make St Germain Walk a public right of way and to secure removal of the gates as part of that process.

**3. ADVICE FROM COUNSEL**

- 3.1 Advice has been sought from Counsel with specialist knowledge of highway and related matters and this is summarised in the following paragraphs.
- 3.2 Before making any Order, the Council must be satisfied not merely that there is a *need* for a footpath, but that it is *expedient* that the path should be created having balanced the effect on the convenience and enjoyment of the public with the effect on persons interested in the land.
- 3.3 In assessing the merits for making an Order, it must be borne in mind that if there are any objections, which in this instance is extremely likely, a Public Inquiry will be held and the matter will be determined by the Secretary of State.
- 3.4 In terms of weighing up the advantage of making such an Order, it is clear that there would be some benefits to the public and particularly the disabled, in opening up the access.
- 3.5 Counsel considers, however, the history of the matter to be highly relevant. Firstly, a Stopping Up Order was made by the Secretary of State in 1999 and he must have been satisfied at that time that it was both necessary to stop up the highway and this outweighed resulting disadvantages to the public in losing a right of way. Moreover there

were no objections to the Order from the District Council, the County Council, Huntingdon Town Council or indeed any members of the public.

3.6 Secondly, as recently as 2003 the Council granted planning permission for the erection of the gates in question. At that time all the planning issues would have been considered. The interests of public access and of the disabled were clearly taken into account at that time, as objections were raised, including by Huntingdon Town Council. In response to the concerns, a new disabled car park was created at the end of Chequers Way and disabled access to the southern end of Chequers Court was improved. As a result of these changes the Town Council subsequently withdrew their objection.

3.7 The report to Development Control Panel in January 2003 specifically considered the erection of the gates and concluded that "the loss of this route is not sufficient to justify the refusal of planning permission, particularly in view of the advantages of the scheme as a whole". That recommendation was duly accepted by the Council. On this issue, Counsel advises that:-

"it is clear that, having been alerted to the effect of the erection and closure of the gate to public access, particularly for the disabled, the Council nonetheless determined that the development, which included the gates, was acceptable, as did the Town Council which withdrew their objection."

3.8 In addition, the Council has adopted for consultation the draft Urban Design Framework for Land at Chequers Court dated April 2004 in which the closure of this access is acknowledged. At paragraph 5.2, for example, it is noted that the route has been closed "in order to secure the safety of passers-by and direct pedestrian movement through Chequers Court".

3.9 In the light of the above Counsel concludes that:-

"in my view, any proposal by the Council to recreate the footpath would be wholly contrary to their stance taken previously. I am not aware of any material change in circumstances since the grant of planning permission which the Council were unaware of when making that decision. At that time, the erection and closure of the gate were acceptable. That is inconsistent with any contention that it would be expedient to recreate the footpath taking the public and private interests into account. On any view, those past circumstances would significantly limit the weight the ultimate decision maker would be likely to give to the public interest in recreating the path".

3.10 It is also necessary to balance the public interest with the land owners and occupiers interest, taking into account entitlement to compensation. Counsel considers that "it is highly significant that the land on which the footpath would be created falls within the curtilage of retail development, which has planning permission for that

purpose" and "...that an Order would have serious effects on the future use of the parcel of land as well as on the existing retail development..." There would be safety implications in view of the potential conflict between pedestrians and vehicular traffic and possibly security implications, given that the gate is described as a "security gate" in the planning application. There would also be commercial harm, as the developer clearly intended to encourage pedestrian movement past the refurbished shops in Chequers Court and moreover any new footpath would preclude extended or other retail development along any part of the new path and restrict development adjacent to it, as account would have to be taken of those rights of way.

- 3.11 Counsel considers that the effect of any footpath creation on the land owner and occupiers would be particularly severe, and in contrast to the normal situation for newly created footpaths, which tend to be in rural areas around the edges of agricultural fields. Counsel concludes that whilst ultimately it is a matter for the Council and thereafter the Secretary of State, it is her view that "it would be very difficult in those circumstances to justify the expediency of such an Order if the appropriate balancing exercise is undertaken....".
- 3.12 In the light of those comments Counsel also states that "...for the above reasons the Council would have no reasonable prospects of success at the inevitable Inquiry that would ensue of having the Order confirmed by the Secretary of State".
- 3.13 There are two further issues to be considered in connection with the holding of a public inquiry. Firstly, the Council would incur the cost of being involved in a Public Inquiry that is likely to last at least a couple of days and possibly longer. These costs are likely to be up to £10,000.00. Secondly, we are likely to be 18 months further on by the time an Order has been made, advertised, the Public inquiry held and a decision issued, by which time it is anticipated that proposals for further redevelopment of the area in accordance with the Council's Urban Design Framework will be well advanced and hopefully underway.

#### **4. COMPENSATION**

- 4.1 If, however, the Order was confirmed, Section 28 of the Highways Act 1980 would then apply, which provides for the payment of compensation. Thus the Council would be responsible for paying compensation to the land owner and occupier of that land to the extent that they had suffered damage either to the value of their interest in the land or to their enjoyment of it.
- 4.2 Ultimately the amount of compensation payable would have to be assessed by an expert commercial land valuer and determined by the Lands Tribunal if disputed. In terms of general principles on which it would be assessed, the land owner and any occupier of the land over which the footpath is created would be entitled to be compensated for all loss and damage resulting from the creation of the footpath and its subsequent use, which damage is not too remote. In addition, the

land owner would be entitled to compensation of the same losses in relation to any adjacent land he owns which would include all the retail land owned by Churchmanor in the immediate vicinity.

- 4.3 There would undoubtedly be a significant commercial loss to the land owner for which he would be entitled to be compensated. Any loss of profits from the reduced pedestrian movements through Chequers Court, together with any reduced rentals that would be likely to ensue. Account would also have to be taken any covenants which the land owner was accordingly in breach of with any tenants. There is also a loss of opportunity for further development over the area of the footpath for which again the owner would be entitled to compensation.
- 4.4 The amount of compensation would also depend upon the actual route and extent of the proposed footpath. Counsel further concludes "nonetheless, from the principles to be applied, it is apparent that which ever option is pursued the commercial losses would be extremely serious" and could result in the Council facing a payment of very substantial compensation.
- 4.5 Counsel is not aware of any other powers available to the Council to secure the opening of the gates in the absence of the land owner's consent and consequently advises that:-

"it seems to me that a negotiated way forward as part of future development proposals by the developer would be the preferable way for the Council to seek to improve the pedestrian access position, without embarking on a potential lengthy process for a Public Path Creation Order with very limited prospects of success and which, even if successful, would result in excessive amounts of compensation being payable."

## **5 ACCESS FOR PEOPLE WITH DISABILITIES**

- 5.1 As stated above, as part of the 2003 planning permission an additional car park for the exclusive use of people with disabilities was provided by the applicant. From that new car park the pavement was re surfaced and the ramp into Chequers Court by Kon's Café was re-modelled to an appropriate gradient in order to provide an appropriate route to the south entrance of Chequers Court.
- 5.2 In response to suggestions by representatives of disability groups, in association with the debate over the 'gate', a dropped kerb has been provided at the north end of Chequers Way, by the owners of Chequers Court. At the same time studs were inserted into the slope opposite Wilkinsons, indicating the area of appropriate gradient for people with disabilities.
- 5.3 The County Council has been consulted, in their role as Highway Authority, for permission to mark out and resurface part of the carriageway along Chequers Way for use by pedestrians including wheelchair users. This would provide a more direct route from the

new car park to St Germain Walk. Any response will be reported verbally to the Panel.

- 5.4 In due course it is anticipated that facilities for people with disabilities will be further improved in association with the redevelopment of Chequers Court. This is planned to include a multi-storey car park, part of which could be reserved spaces for people with disabilities and be the location of a shopmobility scheme. Following approval of the Urban Design Framework, a planning application for this important redevelopment scheme is expected to be submitted. In the meantime as permission and construction is likely to take about three years, progress is being made towards the provision of a shopmobility scheme in the interim by the Council, in association with the Hunts Forum for Voluntary Organisations. It is hoped, subject to funding, that this can be achieved this year.
- 5.5 Notwithstanding the position of the 'gate' the subject of this report, access facilities for people with disabilities have already been improved and plans are in place to improve them further. It is our view, in the light of the above, that any available resources would be more effectively targeted at turning those plans into reality.

## **6 RECOMMENDATION**

- 6.1 In light of the specialist advice on the expediency of making an Order under Section 26 of the Highways Act 1980, the very limited prospects of success at a Public Inquiry and of the significant compensation likely to be payable in the event of such an Order being confirmed it is recommended that a Footpath Creation Order be not made; and that
- 6.2 That pending a long term solution as part of the comprehensive redevelopment of the area, officers be requested to investigate, as a matter of urgency, alternative measures to assist access for the disabled, including the possibility of introducing a Shop Mobility Scheme.

## **BACKGROUND PAPERS**

The Stopping Up of Highways (County of Cambridgeshire) (No.1) Order 1999  
Huntingdon Town Centre – A Vision & Strategy for Growth and Quality – 2000  
Urban Design Framework Chequers Court – 2004  
Huntingdon Town Centre Retail Study – 2001  
Application 02/01699/FUL relating to extension and alteration to shop units, provision of parking for the disabled and security gate.  
Planning permission LPA reference 97/1246  
Report to Development Control Panel 15 November 2004

**Contact Officers:** Colin Meadowcroft, Head of Legal & Estates  
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**CREATION OF PEDESTRIAN LINK BETWEEN  
ST GERMAIN WALK AND HIGH STREET HUNTINGDON  
(Report by the Head of Planning & Head of Legal and Estates)**

**1. INTRODUCTION**

- 1.1 The following motion was moved by Councillor T D Sanderson and duly seconded at the Council meeting held on 29 September 2004:

‘that the Development Control Panel be requested to consider the potential options for and the implications of restoring the pedestrian link between St Germain Walk and St Germain Street through to the High Street, Huntingdon.’

- 1.2 Because of the proximity of the Council meeting to the Development Control Panel and the research necessary to prepare a report on the issues raised by the motion, the Development Control Panel at its meeting on 18 October, 2004 agreed to defer consideration of the matter to a future meeting.

**2. ST GERMAIN STREET STOPPING UP ORDER**

- 2.1 In March 1999 the Secretary of State for the Environment, Transport and the Regions, on the application of the Developer, Churchmanor Estates Company PLC, made an Order under Section 247 of the Town and Country Planning Act 1990 stopping up St Germain Street and a small length of Chequers Way in order to enable the re-development of the town centre in accordance with the planning permission granted by the Council in 1998 under reference 97/1246. **A copy of the confirmed Stopping Up Order is attached to this report.**

- 2.2 Public notice would have been given by Go-East of the proposal to make the Order and a Notice would have been displayed on the highway itself. There is a 28 day period for objections to be made and the Secretary of State is required to hold a Public Inquiry if any objections are made and not withdrawn. No objection was made to the proposed Closure Order by any public body, private individual or other organisation.

- 2.3 The Secretary of State in confirming the Order, required the Developer to provide an alternative highway along the routes shown by stipple on the Order Plan and for the areas of highway shown cross-hatched to be improved.

**3. PLANNING BACKGROUND**

- 3.1 The Huntingdon Town Centre Vision undertaken in 2000 identified the Chequers Court area as the most appropriate location in which to expand town centre retail development. A retail needs study carried

out in 2001 and commissioned by the District Council identified the need for an additional 5300 square metres of net retail floorspace by 2011. This floorspace is needed to meet identified need and maintain and enhance the vitality and viability of the town. Discussions with Churchmanor Estates started in October 2001 with a view of bringing forward a phase 2 development, now that they had become the owners of the older parts of the Chequers Court development. In January 2003, the Development Control Panel, with the support of the Town Council, approved proposals for the refurbishment of shop units in Chequers Court under planning application reference 02/01699FUL. This permission also authorised:

- (i) the provision of a new disabled car park, near the end of Chequers Way;
- (ii) improved access (1:20 gradient) for people with disabilities into the southern end of Chequers Court; and
- (iii) the erection of the gate at the end of Germain walk next to Wilkinsons' store.

3.2 During 2003 and up to April 2004 an Urban Design Framework to guide the new development was produced in association with external consultants and approved for consultation purposes by Cabinet on 6 May 2004. The framework envisaged a retail led scheme with a multi storey car park over the new shops. Access from the High Street to the new development is through an enhanced Chequers Court. An alternative route is through Newton's Court linking the shops there with the High Street and the new development. A link following the line of St Germain Street had already been legally closed, is in an area where there is likely to be radically changed to accommodate new development, and is on a route of a major service area.

#### **4. PUBLIC PATH CREATION ORDER**

4.1 Both the County Council and the District Council have a power under Section 26 of the Highways Act 1980 to create a new public footpath. Before making an Order, the Council must be satisfied that it is expedient that the path should be created having regard to two factors. The first factor is the extent to which the path would add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area. The second is the effect which the creation of the path would have on the rights of persons interested in the land, after taking into account the provisions available for payment of compensation.

4.2 An Order, once made, is open to objection and if opposed requires confirmation by the Secretary of State. Where objections are lodged to the making of the Order, a Public Inquiry or hearing must be held, at which the landowner and any other objector may appear to oppose the confirmation of the Order.

- 4.3 Before deciding to make the Order, the authority is required to consult with any other local authority in the area the land concerned is situated.
- 4.4 If a Footpath Creation Order is made and confirmed, the Authority making the Order is liable to pay compensation where the value of any interest in the land is depreciated or where a person suffers damage by virtue of his enjoyment of the land being disturbed. If the amount of compensation cannot be agreed, it would ultimately be referred to the Lands Tribunal for determination.

## **5. RELEVANT ISSUES**

- 5.1 In deciding whether to make an Order, the Council must be satisfied that the footpath would add to the convenience of a substantial section of the public or local residents and weigh this against the rights of persons with an interest in the land, having taken into account the provisions for payment of compensation.
- 5.2 The history of the matter is also relevant in that an unopposed Stopping-Up Order was made in 1999, which required the provision of an alternative highway to replace the length being stopped-up. At that time the Secretary of State was required, as part of the decision making process, to take account of:
- ‘the disadvantages or loss likely to arise as a result of the stopping-up..... either to members of the public generally or to persons whose properties adjoin..... the existing highway’ (DOE circular 2/93).
- 5.3 Stopping-Up Orders render conduct lawful which could otherwise constitute an obstruction of the highway and are frequently sought to enable buildings to be erected over what was formerly highway. Indeed, in this case, part of the original highway has already been built over by the construction of the store occupied by Wilkinsons.
- 5.4 More recently, a planning application for refurbishment of part of Chequers Court, together with provision of a new disabled car park, improved access for the disabled into Chequers Court and the erection of the gates, was approved by the Development Control Panel in January 2003, with the agreement of the Town Council.
- 5.5 If an Order is made and confirmed, then the Council would be required to pay compensation to the owner and anyone else with an interest in the land, to the extent that the value of their interest is depreciated. As this is a commercial development the compensation payable may be significant, but if specialist advice would need to be sought on this, if it is decided to proceed.
- 5.6 The Urban Design Framework for Chequers Court was the subject of a public consultation exercise during June/July this year. The comments are currently being considered and it is likely as a result that some changes to the framework will be made particularly regarding access and servicing arrangements. These changes are unlikely to affect the fundamental principle of a retail led scheme with

a multi storey car park (incorporating a shop mobility scheme and parking for disabled persons, accessible by lifts) to accommodate the needs of the development and growth in car parking provision for the Town Centre.

- 5.7 Cabinet will consider the comments and officer recommendations before adopting the Framework as Interim Planning Guidance. Once adopted the development proposals will come forward in the form of an application and be considered in the normal way. The developers have indicated that work could commence in 2005 with an opening in 2007.

## **6. CONCLUSIONS**

- 6.1 If the Panel are minded to pursue the possibility of making a footpath creation order, then it will be necessary for the Council first to consult with the County Council and the Town Council.
- 6.2 Whilst not a statutory requirement, it would seem sensible to obtain the formal views of the landowner with regard to such proposal at the same time.
- 6.3 In view of the liability of the Council to pay compensation to the owner and anyone else with an interest in the land, to the extent that the value of their interest is depreciated, specialist advice would need to be sought as to the likely extent of such financial liability.

## **7. RECOMMENDATION**

- 7.1 If Panel are minded to pursue the possible creation of a new right of way they are advised prior to consulting with the County Council and Town Council to request officers to seek the specialist advice concerning the likely level of compensation if such an application were successful.

## **BACKGROUND PAPERS**

Huntingdon Town Centre - A Vision and Strategy for Growth and Quality- 2000  
Urban Design Framework Chequers Court -2004  
Huntingdon Town Centre Retail Study-2001  
Application 02/01699/FUL relating to extension and alteration to shop units, provision of parking for the disabled and security gate.

**CONTACT OFFICER -** R Probyn, Planning Policy Manager  
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TOWN AND COUNTRY PLANNING ACT 1990


THE STOPPING UP OF HIGHWAYS (COUNTY OF CAMBRIDGESHIRE)

(NO.1) ORDER 1999

The Secretary of State for the Environment, Transport and the Regions hereby gives notice that, on the application of Churchmanor Estates Company Plc, he has made an Order under section 247 of the above Act entitled "The Stopping up of Highways (County of Cambridgeshire) (No.1) Order 1999" authorising the stopping up of all-purpose highways at St Germain Street and Chequers Way, Huntingdon, Cambridgeshire to enable development consisting of the layout of access roads and erection of superstore, shop units with service yard, petrol filling station and car park at St Germain Street, Huntingdon to be carried out in accordance with the planning permission granted under Part III of the Act to Churchmanor Estates Company Plc by Huntingdonshire District Council on 4 September 1998 under reference 97/1246.

Copies of the Order may be obtained, free of charge, on application to the Government Office for the East of England (Planning and Transport), Heron House, 49-53 Goldington Road, Bedford MK40 3LL (quoting GT/H0520/35/1/05) and may be inspected at all reasonable hours at the offices of Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, and Huntingdon Town Council, 1 Trinity Place, Hertford Road, Huntingdon.

Any person aggrieved by the Order and desiring to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks of the **24 MAR 1999** apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

  
K A HARDING  
A Principal  
in the Government Office for the East of  
England

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**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS ( COUNTY OF CAMBRIDGESHIRE )**

**(NO. 1 ) ORDER 1999**

Made 19 MAR 1999

The Secretary of State for the Environment, Transport and the Regions makes this Order in exercise of his powers under section 247 of the Town and Country Planning Act 1990, ("the Act") and of all other enabling powers:-

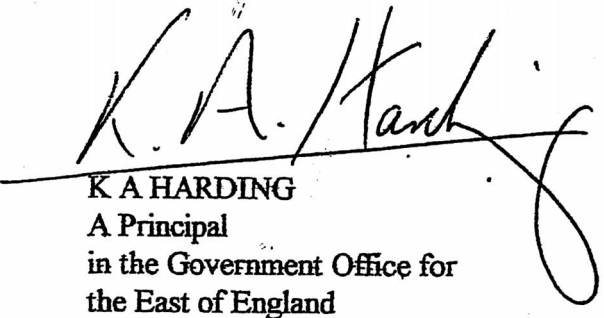
1. The Secretary of State authorises the stopping up of the length of highways described in the schedule to this Order and shown zebra hatched on the deposited plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act to Churchmanor Estates Company Plc by Huntingdonshire District Council on 4 September 1998 under reference 97/1246.
2. No part of the said highways shall be stopped up pursuant to this Order until the Council certify to the Developer that the provisions of article 3 (1) (a) and (b) of this Order have been complied with.
3. (1) The Developer shall, to the reasonable satisfaction of the Council provide:-
  - (a) new highways along the routes shown by stipple on the deposited plan
  - (b) improvements to highways shown by cross hatching on the deposited plan.(2) the new highways shall be highways which for the purposes of the Highways Act 1980 are highways maintainable at the public expense and the Council shall be the highway authority for them.
4. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any lengths of highways authorised to be stopped up pursuant to this Order then, subject to sections 261(4) and 256(1) of the Act, those undertakers shall have the same rights as respects that apparatus after that lengths of highways are stopped up as they had immediately beforehand.
5. In this Order -

"the Council"	means Cambridgeshire County Council;
"the Developer"	means Sainsbury's Supermarkets Ltd; and
"the deposited plan"	means the plan numbered "T&CPA GT/H0520/35/1/05" marked "Highways at Huntingdon in the County of Cambridgeshire", signed by authority of the Secretary of State and deposited at the Department of the Environment, Transport and the Regions, Central

Records Services, Deposited Documents Section,  
Ashdown House, 123 Victoria Street, London SW1E  
6DE

6. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping up of Highways (County of Cambridgeshire) (No. 1) Order 1999 .

Signed by authority of  
the Secretary of State

  
K A HARDING  
A Principal  
in the Government Office for  
the East of England

Date: 10 MAR 1999

#### THE SCHEDULE

##### Description of highway to be stopped up (The distances are approximate)

The highways to be stopped up are at Huntingdon in the District of Huntingdonshire in the County of Cambridgeshire. They are shown by zebra hatching, and more particularly delineated on the deposited plan and are all-purpose highways as follows:-

- (a) a length of St Germain Street commencing at the back of the footway at its junction with Brookside and extending in a south-westerly direction for a distance of 177 metres; and
- (b) a length of Chequers Way commencing at its junction with St Germain Street and extending in a south-easterly direction for a distance of 11 metres.



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## Employment Panel

Report of the meeting held on 2nd March 2005

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### Matters for Information

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#### **29. REQUEST TO FILL VACANT POSTS**

Having considered details of a vacancy in the post of Development Control Officer in the Planning Services Division and the creation of a new post of Ranger in the Community Services Division, the Panel has authorised the Head of Personnel Services to commence recruitment in each case.

J W Davies  
Chairman

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## Corporate Governance Panel

Report of the meetings held on 23rd and 30th March 2005

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### Matter for Decision

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#### 14. REVIEW OF COUNCIL CONSTITUTION

By reference to a report by the Head of Administration (a copy of which is reproduced as an Annex hereto) the Panel has undertaken the annual review of the Council's Constitution. The changes recommended by the Panel have arisen as a result of practical experience of the operation of the Constitution since its implementation in May 2002, subsequent reviews in May of each year and comments received from the Cabinet, Panels, individual Members and Officers.

With regard to training of Members of the Development Control Panel, the Members' Planning Code of Good Practice, which is incorporated in the Constitution, already indicates to Members that they should not participate in decision making at meetings dealing with planning matters unless they have attended suitable planning training provided by the Head of Planning Services. Moreover, the Code itself applies equally to all Members of the Council and not just those who sit on the Development Control Panel. Not only are there occasions when development control applications are determined by the Council where they are not in accordance with the development plan but Members may have an interest in applications that affect their constituencies.

The Panel also has discussed the frequency with which the Constitution is reviewed. Having undertaken a review each year since its introduction in 2000 and given that changes can be made at any time, Members are of the opinion that in future the Constitution should be reviewed comprehensively at biennial as opposed to annual intervals. Otherwise and having considered the issues raised in the report, the Panel

#### RECOMMEND

- (a) that, in future, a review of the Constitution be undertaken biennially, without prejudice to any change that may be considered appropriate in the intervening period;

**(b) that the following amendments be made to the Constitution with effect from the date of the Annual Meeting of the Council on 18th May 2005:-**

**(i) that the following words be inserted after paragraph (i) of Section 4 of Article 12 –**

**“(j) Deputy Monitoring Officer – in the absence or at the direction of the Director of Central Services and Monitoring Officer, the Head of Legal and Estates shall act as Deputy Monitoring Officer”;**

**(ii) that the following words be added after paragraph (e) of Section 5 of Article 12 –**

**“(f) Deputy Chief Finance Officer – in the absence of the Director of Commerce and Technology and Chief Finance Officer, the Head of Financial Services shall act as Deputy Chief Finance Officer”;**

**(iii) that paragraph 12 of the Council Procedure Rules (Standing Orders) be deleted in its entirety and replaced the following text –**

**“12. ANNUAL STATE OF THE DISTRICT ADDRESS**

**12.1 Procedure**

**The Chairman will invite the Leader to address the Council at its autumn meeting on the State of the District.**

**12.2 Response**

**The Chairman will invite the Leader(s) of the Opposition to respond to the address.**

**12.3 Discussion**

**The ensuing discussion in which a Member may speak once and to which only paragraphs 11.4, 11.12 and 11.13 of the Rules of Debate will apply, will be chaired by the Chairman”;**

**(iv) that consideration of any changes to the Constitution with regard to the Overview and Scrutiny Procedure Rules be deferred pending the outcome of the Panel’s review of existing arrangements;**

- (c) that suggestions with regard to -
- ◆ the introduction for a facility to enable the Chairman of an Overview and Scrutiny Panel to invite individuals in the public gallery to speak at meetings;
  - ◆ arrangements for the appointment of substitute Members;
  - ◆ a public forum a full Council meetings;
  - ◆ a change to the Employee's Code of Conduct in relation to sponsorship; and
  - ◆ the exclusion of oral questions by Members at Council Meetings when the State of the District Address is dealt with annually.
- be not supported;
- (d) that, an amended Code of Financial Management be adopted as set out in Appendix B to the Annex hereto;
- (e) that an amended Code of Procurement be adopted as set out Appendix C to the Annex hereto; and
- (f) that consideration of a proposed change to the Employee's Code of Conduct in relation to Officers' conduct be deferred.

## **15. RISK MANAGEMENT**

Following the approval by Cabinet of a Risk Management Strategy in January 2004, the Comprehensive Performance Assessment report specifically mentioned the need for the Council to decide on the extent to which it is averse to risk which has been included in the CPA Improvement Plan. In reviewing this matter, the Panel has adopted a basis for assessing risk, risk level categories and associated action notes and the allocation of levels to a risk grid. This will enable Officers to review existing scores for each risk and amend them where necessary.

## **16. INTERNAL AUDIT SERVICE – INTERNAL AUDIT PLAN 2005/06**

The Panel has been acquainted with details of the Internal Audit and Assurance Plan for 2005/06 which contains details of those audits to be undertaken by the Internal Audit Section in the coming year.

## **17. COMPLAINTS**

The Panel has received a summary of internal complaints and of complaints determined by the Local Government Ombudsman in recent years.

**18. CORPORATE GOVERNANCE AND IMPROVEMENT PLANNING**

The Panel has been acquainted with details of a process designed to ensure that it addresses those matters within its remit which are contained in the Comprehensive Performance Assessment Improvement Plan. Members also have been informed of the areas on which the Council is likely to be measured during the next CPA assessment.

**19. HOUSING BENEFITS COMPLAINT –  
AWARD OF COMPENSATION**

The Panel has been informed of the settlement of a complaint against the Council by a member of public with regard to the assessment of applications for housing benefit and the terms of a compensatory payment.

I C Bates  
Chairman

## **REVIEW OF COUNCIL CONSTITUTION (Report of the Head of Administration)**

### **1. INTRODUCTION**

- 1.1 The Local Government Act 2000 changed fundamentally the way in which the District Council – and indeed local authorities generally had conducted their business for generations. It transformed the traditional “Committee System of decision-making” throughout local government and replaced it with a limited choice of executive/scrutiny models, supported by a range of “non-executive” Panels. The District Council along with the majority of local authorities then chose to implement the Leader/Cabinet model.
- 1.2 The complexity of the new arrangements required local authorities to adopt written constitutions to regulate their systems of governance and proceedings etc. Since adopting its constitution three years ago, the Council has undertaken an annual review in the light of the experience of individual Councillors and Officers, together with the Cabinet and other Member fora.
- 1.3 The Corporate Governance Panel was established by the Council in July 2004 to deal principally with the non-executive issues of audit, governance and finance. The Panel's terms of reference include responsibility for “oversight of the Council's constitutional arrangements and advising the Council on any changes that may be desirable”. This report introduces the review commissioned during the current year.
- 1.4 Adopting the same approach as was undertaken in 2004, the Cabinet and all Panels have been offered the opportunity to comment collectively on those aspects of the Constitution which affect their terms of reference. Members were invited to submit comments individually and Chief Officers and Heads of Services similarly were requested to highlight issues which had arisen based on practical experience of the operation of the Constitution.
- 1.5 To identify the changes proposed, Members will need to refer to the Constitution circulated to them in May 2004. Alternatively a copy is available electronically on both the Council's web site and intranet. Members are requested to bring their copy with them to the meeting for reference.

### **2. GENERAL CHANGES**

- 2.1 The Council may amend its Constitution at any time, subject to regard being paid to formal guidance issued by the Secretary of State. Any change will require reference to the Secretary of State only if the Council propose to change significantly the present form of executive and scrutiny arrangements.
- 2.2 The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols. With the Constitution having operated satisfactorily for almost three

years now, the requirement for significant change is unlikely to be necessary. However, the Constitution continues to evolve and requires regular adjustment to take account of updates in legislation and practice and for these reasons the text has been amended to reflect –

- ◆ new legislation;
- ◆ alterations to –
  - table 2 – appointments to outside organisations (to reflect the addition/variation of appointments);
  - table 4 – scheme of delegation (to incorporate subsequent amendments to the scheme).

### **3. ARTICLE 12 – OFFICERS (PAGE 33)**

- 3.1 Article 12 describes some of the key aspects of the role of Officers and the relationships between Officers and Members under executive arrangements. The Monitoring Officer and Chief Finance Officer also have a role in advising where particular decisions are, or are likely to be contrary to the policy framework or are contrary to or not wholly in accordance with the statutory or budgetary framework of the Council.
- 3.2 An internal audit review of the responsibilities of the Monitoring Officer and Chief Finance Officer has identified a requirement to formally appoint those Heads of Service who can act as deputies for these Officers.
- 3.3 **It is therefore proposed that the following changes be made to Sections 4 and 5 of Article 12 relating to the functions of both Officers –**

#### **4. FUNCTIONS OF THE MONITORING OFFICER**

**Add - (j) Deputy Monitoring Officer - in the absence or at the direction of the Director of Central Services and Monitoring Officer, the Head of Legal and Estates shall act as Deputy Monitoring Officer.**

#### **5. FUNCTIONS OF THE CHIEF FINANCE OFFICER**

**Add - (f) Deputy Chief Finance Officer - in the absence of the Director of Commerce and Technology and Chief Finance Officer, the Head of Financial Services shall act as Deputy Chief Finance Officer.**

### **4. COUNCIL PROCEDURE RULES (STANDING ORDERS) (PAGES 157 – 173)**

#### **4.1 State of the District Debate**

The Panel is currently reviewing the form of the state of the District debate and a report on the matter was included on the agenda for the Panel's meeting on 23rd March 2005. However, it has been suggested by the Executive Councillor for Resources, Welfare and IT

that, at the meeting of the Council when the Constitution requires the Annual State of the District Debate to be conducted, the standard item "Oral Questions from Members" should be excluded from the agenda.

**The Panel is invited to consider this suggestion.**

## **5. OVERVIEW AND SCRUTINY PROCEDURE RULES (PAGES 201 – 207)**

### **5.1 Creation of additional Overview and Scrutiny Panel(s) and review of the terms of reference of the Overview and Scrutiny Panels**

The operation of the Overview and Scrutiny Panels has again prompted comments during the review, primarily from one of the Panels, its Chairman and from the Leader of the Opposition, Councillor Downes.

5.2 The Overview and Scrutiny Panels are responsible for setting their own programmes of business and also have an important role in relation to policy review and development. Although the Panels meet monthly, meetings often continue until after 10.00 pm. Studies commissioned by the Panels may involve presentations by Officers or external organisations and guest speakers are invited to attend meetings to widen the Panel's understanding of subject matters under review. In addition, there may be policy items to scrutinise together with the items placed regularly on the Panel agenda to monitor the forward plan, decision digest and best value reviews. The Overview and Scrutiny Panel (Service Delivery and Resources) has requested the establishment of at least four Panels (comprising a reduced number of Councillors) to assist with the workload which has developed and, should this proposal be acceptable, a corresponding review of the terms of reference of the existing and any new Panels.

**5.3 The Panel is invited to consider the issue.**

### **5.4 Attendance by Others**

Paragraph 13 of the Overview and Scrutiny Procedure Rules provides for the Panels to invite individuals other than Councillors or Members to address them. Councillor Downes has again requested that this rule be extended to enable the Chairmen of a Panel to invite individuals in the public gallery to speak for up to two minutes where it is considered that the person might have a valuable contribution to make to the debate. These individuals would not have been formally invited to attend the meeting.

**The Panel is invited to consider the issue.**

## **6. SCHEME OF SUBSTITUTION**

6.1 A proposal to appoint substitute members to committees, panels and advisory groups was supported by the Committee during the review of the Constitution in 2004 but not adopted when recommended to Council. Councillor Downes has raised the issue again. A copy of a

potential scheme that was submitted to Members during the review in 2004 is reproduced at Appendix A. Should it be decided not to adopt a scheme for the appointment of substitute members across all panels and groups, Councillor Downes has requested that consideration be given to the appointment of permanent and named substitutes to assist attendance at meetings of the Overview and Scrutiny Panels given the regularity of their meetings and the heavier workload which they entail. (NB: reviewing the question of substitution arrangements generally in 2004, the Cabinet commented that if recommended, substitute members should be named and nominated prior to the meeting, absences should continue to be recorded and a proportionate approach adopted).

**The Panel is invited to consider the issue.**

## **7. CODES OF FINANCIAL MANAGEMENT AND PROCUREMENT (PAGES 209 TO 234)**

7.1 Changes to the Codes of Financial Management and of Procurement are proposed. Amended copies of both codes are attached at Appendices B and C. The changes to the Code of Procurement seek to ensure compliance with existing public procurement directives and new regulations and introduce best practice and greater control through an agreed framework for procurement activity. Proposed changes to the Code of Financial Management reflect -

- ◆ the creation of the Corporate Governance Panel and the resulting transfer of duties to the Panel;
- ◆ the transfer of responsibility for the approval of the treasury management strategy from the Cabinet to Council in line with current best practice;
- ◆ the allocation of responsibility for risk management within their services to Chief Officers and Heads of Service;
- ◆ the introduction of a protocol approved by the Cabinet for the review of fees and charges;
- ◆ proposed increases in financial limits;
- ◆ a delegation to Heads of Service to utilise Section 106 monies for specified purposes but in the event of a more general specification, a requirement for prior consultation with the relevant Executive Councillors;
- ◆ a new delegation to Chief Officers to approve, after consultation with Executive Councillors, the transfer of revenue funds to a capital budget;
- ◆ the removal of the requirement for project appraisals for MTP bids to be approved by the Cabinet;
- ◆ the addition of the requirement to comply with Government Guidance on local government investments; and
- ◆ an earlier date for the annual treasury management report to be submitted and clarification of the responsibility relating to the asset management plan.

**The Panel is requested to recommend to Council the adoption of revised Codes of Financial Management and of Procurement.**

**8. EMPLOYEES' CODE OF CONDUCT  
(PAGES 275 – 282)**

- 8.1 Section 15 of the Employees' Code of Conduct specifies the requirement to disclose to the Monitoring Officer, who shall keep a register for the purpose, any benefit which might derive from sponsorship given or received from the Council. It has been suggested that this section of the Code be incorporated within the section relating to hospitality and gifts and subsequently that the necessity for the Monitoring Officer to maintain a register relating to sponsorship be removed.
- 8.2 However, it is contended that a situation in which the Council might wish to sponsor an event or service by which an employee or his or her partner, spouse or relative might benefit is completely different to the rules concerning the acceptance of gifts and hospitality. Given also that compilation of a register for the purpose is far from onerous **it is suggested that the Code of Conduct in this respect remains unchanged.**
- 8.3 Last Autumn, the Office of the Deputy Prime Minister issued a consultation paper seeking views on their proposals for a Model Code of Conduct for Employees. The Employment Panel responded to the consultation paper on behalf of the Council. A Code of Conduct for employees had previously been adopted by the Council in September 2003. During discussion on the Model Code there was some suggestion that the Code currently did not specify the conduct expected of Officers when acting in their official capacity. The Chief Officers' Management Team have recommended that additional text be inserted into Section 1 of the Code relating to standards as follows:-

At the end of the second sentence of Paragraph 1 (1.1) it is proposed to insert –

“an Officer must not in his/her official capacity conduct him/herself in a manner which could reasonably be regarded as bringing his/her office or the District Council into disrepute”.

**It is proposed that the text of the Constitution be amended appropriately.**

**9. PUBLIC FORUM AT COUNCIL MEETINGS**

- 9.1 Councillor Downes has again commented on ways to broaden the role of full Council meetings by way of the introduction of a time-limited session at the commencement of the Council in which members of the public could be invited to put questions to the Cabinet and Chairmen of Panels and Committees. He considers that this initiative would further promote efficient, effective and accountable decision-making and the active involvement of the public in Council meetings.
- 9.2 Some Councils locally have schemes that enable citizens to participate in Council meetings. Should Members consider this to be

an appropriate development a potential scheme for a public question time in Huntingdonshire could be produced.

- 9.3 (NB: In their consideration of this development previously, the Cabinet did not recognise the need nor did they support the proposals for a forum to enable members of the public to ask questions or speak at full Council meetings).

**The Panel is requested to consider the issue.**

## **10. OBSERVATIONS OF THE CABINET, PANELS AND COMMITTEES**

- 10.1 The views of the Overview and Scrutiny Panels have been reflected elsewhere in this report and the requirement to update the Constitution to reflect the establishment of the Licensing Committee has been noted. The Development Control Panel has commented that in its opinion it is essential for Members to receive training on planning and probity issues in advance of their appointment to that Panel. However, as the question of Member development is being pursued in conjunction with a study by the Overview and Scrutiny (Planning and Finance) Panel, the Chairman of that Panel has undertaken to ensure that the issue is considered as part of that study.

- 10.2 The question of training for Members appointed to serve on both the Development Control Panel and Licensing Committees was endorsed by the Cabinet. While acknowledging and commending the value of training for Members in these and other subject areas, the requirements of the Local Government and Housing Act 1989 and associated Regulations to achieve a political balance on Panels etc, and to give effect to nominations on behalf of political groups cannot be fettered or conditioned by reference to training. Nevertheless, the Council has a very good record of training for Councillors individually and collectively, and clearly this will continue albeit that it cannot be imposed as a mandatory requirement.

## **11. RECOMMENDATION**

- 11.1 The Panel is requested to consider the recommendations contained in the foregoing paragraphs and to recommend to full Council accordingly.

## **BACKGROUND PAPERS**

HDC Constitution

Minutes of the meetings of the Cabinet, Overview and Scrutiny Panels, Licensing and Protection and Development Control Panels.

**Contact Officer:** Christine Deller, Democratic Services Manager,  
Tel: 01480 388007

**PROPOSED PROCEDURE FOR APPOINTMENT OF SUBSTITUTE MEMBERS TO COMMITTEES, PANELS AND ADVISORY GROUPS**

**1. ALLOCATION OF SUBSTITUTES**

The Council at its Annual Meeting shall appoint named substitute Members from each political group, equivalent to one-third of the representation to which the group is entitled to attend Committees, Panels and Advisory Groups of the Council in the absence of ordinary Members.

For the purposes of determining a group's entitlement to substitute members –

- ◆ in rounding fractional calculations, one-third shall be rounded down and two-thirds shall be rounded up, provided that
- ◆ each group which is represented on a Committee, Panel or Advisory Group shall be entitled to nominate a minimum of one substitute member.

A Member of the Council who is not aligned to a political group ("independent Member") shall be entitled to appoint one other named "independent Member" to take his/her place in the event of his/her absence at meetings of any Committee, Panel or Advisory Group to which s/he is appointed.

The Leader, Deputy Leader and any Member of the Cabinet shall not be appointed as a substitute Member to an Overview and Scrutiny Panel and neither shall a Member of an Overview and Scrutiny Panel be appointed as a substitute Member to the Cabinet. The Leader shall not be appointed as a substitute Member to the Standards Committee.

As the Constitution of the Development Control, Employment and Licensing and Protection Panels and Licensing Committee provides for the appointment of only one Member of the Cabinet with Portfolio responsibility at each Panel, Portfolio holders other than the one with appropriate responsibility for those non executive functions within the terms of reference of each Panel may be appointed as substitute Members to the Development Control, Employment and Licensing and Protection Panels/Licensing Committee but may only attend in the absence of the appropriate Portfolio holder.

**2. POWERS AND DUTIES**

Other than the Standards Committee which shall not be Chaired by a Member of the Cabinet, substitute Members, when substituting for an ordinary Member of the Committee, Panel or Advisory Group shall have the powers and duties of any ordinary Member of the Committee, Panel or Advisory Group but shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

A substitute Member shall be entitled to be elected Chairman or appointed Vice-Chairman of the meeting of the Committee, Panel or Advisory Group at which s/he is in attendance but s/he shall be so elected or appointed for the duration of that meeting only.

The named Members appointed as substitute Members to the Overview and Scrutiny Panels shall not be entitled to participate in the Call-In procedure.

### **3. PROCESS FOR ATTENDANCE**

Substitute Members may attend meetings in that capacity only -

- (i) to take the place of an ordinary Member of the Committee, Panel or Advisory Group for which s/he is the designated substitute;
- (ii) after notifying the Head of Administration or the relevant Democratic Services Officer of the intended substitution by 10am on the day of the meeting; and
- (iii) in the event of the ordinary Member not being present at the start of the meeting.

Attendance at a meeting of the Committee, Panel or Advisory Group for the purposes of substitution shall be determined at the start of the meeting and substitution or further substitution shall not be permitted during the course of the meeting.

### **4. GENERAL**

- (i) A Member tendering an apology for absence at a meeting shall have that absence recorded irrespective of a substitute Member attending in his/her place to enable an accurate record of attendance to be published at the ensuing Annual Council meeting.
- (ii) Substitute Members shall be eligible for travelling, subsistence and carer's allowances as if they were appointed Members of the Committee, Panel or Advisory Group.
- (iii) Substitute Members attending meetings of the Development Control Panel shall not be eligible to receive the Special Responsibility Allowance payable to ordinary Members of the Panel but shall be entitled to claim reimbursement for the travelling and subsistence costs incurred when undertaking site visits in connection with the meetings.
- (iv) Those appointed as named substitute Members shall be invited to undertake appropriate training necessary to enable full participation in the business of the Committee, Panel or Advisory Group to which they are appointed, eg the Development Control or Licensing and Protection Panels/Licensing Committee.
- (v) Named substitute Members shall receive agenda issued for all meetings of the relevant Committee, Panel or Advisory Group to which they are appointed to assist in continuity and knowledge of issues under consideration.

## CODE OF FINANCIAL MANAGEMENT

### 1. FINANCIAL RESPONSIBILITIES

#### 1.1 General

Before any proposal that materially affects the Council's financial position is made the body or person(s) responsible for making that decision shall consider a written report, approved by the Director of Commerce and Technology, detailing the financial implications.

#### 1.2 The Council

Will determine the Council's Financial Strategy, including a Medium Term Financial Plan (MTP), decide the Prudential Indicators, approve the Annual Budget and set the level of Council Tax.

Will approve the Council's Treasury Management Strategy.

#### 1.3 The Corporate Governance Panel

Will ensure that the financial management of the Council is adequate and effective.

Will ensure that the Council has a sound system of internal control including arrangements for the management of risk.

Will consider the Council's Code of Corporate Governance and approve the annual statement.

Will approve the terms of reference and strategy for internal audit and comment on the annual internal and external audit plans.

Will consider the external auditor's annual management letter.

Will approve the Council's Tax Base and Final Accounts.

#### 1.4 The Cabinet

Will propose to the Council the Financial Strategy, Medium Term Financial Plan, Prudential Indicators and the Annual Budget after appropriate consultation, which will include the Overview and Scrutiny Panels.

Will set financial priorities, allocate and re-allocate resources, monitor and review financial performance and adopt a Treasury Management Policy.

**1.5 Overview and Scrutiny Panels**

Will contribute to the development of, and review the effectiveness of, the Council's Financial Strategy, Medium Term Financial Plan and Annual Budget.

**1.6 Panels or Committees**

Will ensure that all decisions within their remit are made within the resources allocated within relevant Service Financial Plans and are consistent with achieving the Council's objectives. If they wish to make proposals that will require additional resources these will need to be subject to the Cabinet or Council making these available.

**1.7 Members and Employees**

Will contribute to the general stewardship, integrity and confidence in the Council's financial affairs and comply with this Code and any systems, procedures, or policies relating to the financial management of the Council.

Specifically, they shall bring to the attention of the Director of Commerce and Technology any act or omission that is contrary to the provisions of this Code or the maintenance of high standards of financial probity, and provide information or explanation on matters within their responsibility to him/her, the Monitoring Officer, Internal Audit Service or the Council's external auditors.

Any Member or Officer who is involved or who has an interest in a transaction between a third party and the Council shall declare the nature and amount, if material, in accordance with the Accounting Standards Body's Financial Reporting Standard no. 8.

**1.8 The Director of Central Services, as Monitoring Officer or in his/her absence the Head of Legal and Estates**

Will report to the Council on any proposal, decision or omission that in his/her view is likely to result in the contravention of the law or any code of practice enacted under it, fails to comply with a legal duty, represents maladministration or is unjust, in accordance with section 5 of the Local Government and Housing Act 1989.

For these purposes he/she shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

1.9 **The Director of Commerce and Technology, as Chief Finance Officer** or in his/her absence the Head of Financial Services

Will be responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of a decision or action leading to unlawful expenditure, a loss or deficiency or an unlawful accounting entry (in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Act 1988 and the Accounts and Audit Regulations).

Will be responsible for ensuring the final accounts are completed and published by the statutory dates and reporting the details of any material amendments specified by the external auditor to the Corporate Governance Panel.

For these purposes he/she shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

1.10 **The Head of Financial Services**

Will be responsible for detailed and operational aspects of the administration of the Council's financial affairs on behalf of the Director of Commerce and Technology, approving new financial systems and undertaking such duties as are set out in this Code.

1.11 **Chief Officers and Heads of Service**

Will be responsible for proper financial and resource management and the prevention of fraud and corruption within the services and functions under their control.

They will determine the inherent risks, within their services, to the achievement of the Council's priorities and establish, maintain and document adequate systems of internal control and financial monitoring, in consultation with the Internal Audit Service, and ensure that relevant employees or Members are familiar with such systems.

They may incur financial commitments and liabilities in accordance with this Code, the Council's Scheme of Delegation and resources allocated in Service Financial Plans.

Will be responsible for providing in a timely manner, the information necessary to ensure that the final accounts can be completed by the statutory deadlines.

They are responsible also for reviewing and varying fees and charges annually for services under their control, after

consultation with the relevant Executive Councillor(s) and/or Chairman of the relevant Panel. In doing so, they shall:

- Ensure that relevant legislation is complied with, particularly where it specifies the charges to be made or constrains them in some way.
- Having regard to the charges of any alternative service providers with whom the Council is competing, seek to maximise income, net of applicable costs, as far as is possible without compromising the Council's stated corporate priorities and objectives.

Discounts shall be provided where:

- They are expected to stimulate demand and generate additional net income which would otherwise not be obtained.
- They are in the best interests of the service and its customers, particularly where they make the services available to those who could not otherwise afford them, provided that such discounts do not result in additional net cost to the Council.

#### **1.12 Internal Audit**

Will be responsible for providing an independent and objective opinion on internal control, risk management and governance systems. In accordance with its terms of reference it shall undertake audit reviews that focus on areas of greatest risk to the Council in accordance with a programme agreed annually by the Director of Commerce and Technology after consultation with Heads of Service.

For these purposes internal audit shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

#### **1.13 Financial Limits**

All financial limits included in this Code shall be updated by the most recently published annual increase in the RPI index on the 1<sup>st</sup> April each year and then rounded up to the next £100. The amended limits will be circulated as an Annex to this Code.

## **2. FINANCIAL AND SERVICE PLANNING**

### **2.1 In the Summer - Overall Review**

The Cabinet shall review the financial performance of the Council in the previous year, compared with the Annual Budget, on the basis of a report prepared by the Head of Financial Services in conjunction with Heads of Service.

## **2.2 In the Autumn - Financial Strategy**

The Cabinet, after consultation with the Overview and Scrutiny Panels and appropriate organisations and bodies, shall recommend to the Council a Financial Strategy which will be used to determine the overall financial limits within which the Annual Budget (financial plan) and MTP will be prepared.

## **2.3 In the Winter - Annual Budget and MTP**

The Cabinet shall, after consultation with the Overview and Scrutiny Panels, recommend to the Council an Annual Budget for the next financial year and a MTP for the succeeding four years, incorporating both capital and revenue expenditure, which is consistent with corporate and service strategies and the Financial Strategy. This Budget will include the allocation of resources to individual services and capital projects.

## **2.4 In the Spring - Service Financial Plans**

Following approval of the Annual Budget each Head of Service shall update their Service Plan(s) to incorporate a Service Financial Plan, which sets out variations in the level of fees and charges and how the resources allocated will be used to meet service objectives in the forthcoming year.

# **3. CONTROLLING FINANCIAL PLANS**

## **3.1 Increases and Commitments to Expenditure in Future Years**

Commitments to expenditure beyond the current budget year may be made by a relevant Head of Service provided they are -

- ◆ consistent with the achievement of service objectives,
- ◆ compatible with the Council's Financial and other relevant Strategies, and
- ◆ can be met from their current budget level, taking account of any already approved variations in subsequent years (this excludes any MTP bids starting in future years, which are subject to annual review before inclusion in the budget)

If the Head of Service has any concerns about their proposal meeting these requirements they must consult the Head of Financial Services.

## **3.2 Grants, Cost Sharing and S106 Agreements**

Where a Head of Service proposes to take advantage of grants from other organisations, or some other form of cost

sharing, whereby they will be able to deliver additional or improved services, consistent with their Service Plan, without creating any current or future commitment to additional net expenditure they may do so subject to having first -

- ◆ Informed the Head of Financial Services of the details
- ◆ Consulted the relevant executive councillor(s) if the proposal exceeds £30,000 revenue or £50,000 capital in any one year.

A Head of Service may utilise sums of money received under s106, or equivalent, agreements where the nature and location of the item/service is specified. If the nature and/or location is not specified the Head of Service may only utilise the sums following consultation with the relevant Executive Councillor(s). In either case the Head of Financial Services should be informed of the details.

### **3.3 Approvals for additional spending**

Proposals for increases to the total allocated to Service Financial Plans in the current year (Supplementary Estimates) and their impact in future years may be approved by the Cabinet subject to the revenue impact not exceeding £300,000 in aggregate in any financial year. The impact of such approvals will be included in appropriate financial reports within the budget/MTP process and, once Council have noted these items, the Cabinet's limit will be re-set. This limit excludes any items funded from the contingency budget as described in the following paragraph.

The Director of Commerce and Technology may authorise the use of the contingency budget, subject to the item complying with the approved guidelines and following consultation with the relevant executive councillor(s).

In all other cases the approval of the Council will be required.

### **3.4 Budget Transfers**

The transfer of resources between budgets is supported where it will make it more likely that the Council will achieve its service objectives and targets or enhance value for money. There do, however, need to be some limitations to ensure that executive councillors, Cabinet and Council are aware of any significant changes.

The Council has two types of budget. The first, service budgets, are defined for this purpose as the lowest level of detail supplied to the Council when they approve the annual budget. The Annex to this Code provides the list for the current year and the services which are listed within each Service Grouping. The breakdown of an approved Service Budget into specific elements of income and expenditure is initially determined by the relevant Head of Service and can

be varied at any time subject to him/her first consulting the Head of Financial Services.

The other type of budget is a Management Unit. This groups together the employee and ancillary costs for each section of employees before they are allocated to the service budgets they are providing support to. Each Head of Service will have responsibility for a number of these Management Units.

A Head of Service may approve a budget transfer between the Management Units that they are responsible for providing it is consistent with achieving service objectives and compatible with the Council's Financial and other relevant Strategies. The Head of Financial Services shall be notified of the detail of any budget transfer.

Chief Officers may approve budget transfers between services within a Service Grouping and/or the Management Units that their Heads of Service are responsible for providing it is consistent with achieving service objectives and compatible with the Council's Financial and other relevant Strategies. The Head of Financial Services shall be notified of the detail of any budget transfer.

Budget transfers between Service Groupings, capital schemes and the Management Units of different Directorates, where this will not preclude the achievement of service objectives, may be approved by the Director of Commerce and Technology after consultation with the Executive Councillors for Finance and the relevant service(s) so long as they do not exceed the following limits:

- ◆ **Revenue** - £30,000 or 10% of any budget involved, whichever is the higher, subject to a maximum of £50,000. Any previously approved transfers in the same year relating to those budgets shall be aggregated for determining whether the limit has been exceeded.
- ◆ **Capital** - £60,000 or 10% of any capital budget involved, whichever is the higher, subject to a maximum of £100,000. Any previously approved transfers in the same year relating to those budgets shall be aggregated for determining whether the limit has been exceeded.
- ◆ **Revenue to Capital** - £60,000. Any previously approved transfers in the same year relating to those budgets shall be aggregated for determining whether the limit has been exceeded.
- ◆ Such transfers shall be reported to the Cabinet for information in the next budget monitoring report.

**Cabinet** may approve budget transfers of up to:

<b>Revenue</b>	£100,000
<b>Capital</b>	£150,000

**Revenue to Capital**     £150,000

Any previously approved transfers in the same year relating to those budgets shall be aggregated for determining whether the limit has been exceeded.

In all other cases the approval of the Council will be required.

**3.5 Re-phasing of Expenditure**

The re-phasing of expenditure, and consequent transfer of budget, between years may be made by the relevant Head of Service, following consultation with the Head of Financial Services, providing that it is consistent with service objectives and compatible with the Council's Financial and other relevant Strategies.

In all other cases the approval of the Cabinet will be required.

**3.6 Price Changes**

Variations to the totals in the Financial Strategy, the Medium Term Financial Plan and Service Financial Plans due to price changes will be determined by the Head of Financial Services after consultation with relevant Heads of Service.

**3.7 Project Appraisals**

All proposals for changes to the MTP will require an explanatory appraisal, unless the Head of Financial Services considers that the item is of a technical nature. Appraisals for new and modified schemes must be made available to Members, via the Council's intranet, by the date on which the related reports are circulated. Any appraisals for new schemes should also be attached to the relevant report.

**3.8 Financial Monitoring**

The financial performance of the Council will be reviewed by Cabinet quarterly on the basis of monitoring statements prepared by the Head of Financial Services in conjunction with Heads of Service.

The financial performance of each service and capital project will be reviewed by Chief Officers quarterly on the basis of monitoring statements prepared by Heads of Service in conjunction with the Head of Financial Services.

Heads of Service will ensure that relevant executive councillors are regularly informed of the progress in delivering approved MTP schemes.

## **4. CASH AND CREDIT MANAGEMENT**

### **4.1 Banking**

The Director of Commerce and Technology is responsible for all Council banking arrangements and shall maintain (an) account(s) with (an) appropriate bank(s) with a credit rating equivalent to 'Long Term AA' or better in the data published by Fitch IBCA. All transactions involving income or expenditure shall be dealt with through the Council's bank account(s).

### **4.2 Income**

All employees receiving money (including cash, cheques, credit card payments etc.) must comply with the relevant procedures issued by the Head of Revenue Services to ensure that the sums are properly recorded, receipted and banked.

The Head of Revenue Services shall manage a debt collection service on behalf of the Council and all sums due must be registered by raising an invoice on the Council's Financial Management System or some other system or procedure approved by the Head of Revenue Services.

### **4.3 Loans**

All borrowing will be undertaken by the Head of Financial Services in accordance with the Code of Practice for Treasury Management in Local Authorities, published by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Council's Treasury Management Policy and Annual Strategy Statement.

A report shall be submitted to the Cabinet prior to the start of each financial year so that it can recommend to the Council the maximum borrowing limits for the forthcoming financial year.

### **4.4 Investments**

Investments shall be made by the Head of Financial Services in accordance with the Prudential Code for Capital Finance in Local Authorities published by CIPFA, Government guidance on Local Government Investments, the Council's Treasury Management Policy and Annual Strategy Statement, either directly or by utilising external fund managers.

Periodic reports shall be submitted to the Cabinet on Treasury Management and by 31<sup>st</sup> July each year an annual report shall be submitted on activities in the previous financial year.

#### 4.5 **Payments**

Payments due to external suppliers of goods and services must be made through the Council's Financial Management System and in accordance with the payments procedures of that system, as determined by the Head of Financial Services.

### 5. **ACCOUNTING PROCEDURES**

5.1 The Council will follow the best practice guidance contained in the Accounting Code of Practice and other relevant publications produced by CIPFA in the preparation and maintenance of its accounts.

#### 5.2 **Statement of Accounts**

The annual Statement of Accounts shall be presented to the Corporate Governance Panel for approval within the prescribed statutory timescale.

#### 5.3 **Records**

Each Head of Service is responsible for maintaining records of financial transactions and commitments and employee time, in forms agreed with the Head of Financial Services, and for ensuring that all financial transactions are properly recorded in the appropriate financial period and to an appropriate account within the Council's Financial Management System.

#### 5.4 **Retention of Documents**

Documents required for the verification of accounts, including invoices, shall be retained in a retrievable format for any statutory period, or otherwise for six years or such other time that is specified by the Head of Financial Services.

#### 5.5 **Contingent Liabilities**

Any Officer who is aware of a material and outstanding contingent liability shall notify the Head of Financial Services, who shall include details in the Council's accounts or in a Letter of Representation to be presented to the Council's external auditors in respect of those accounts.

#### 5.6 **Stock**

Where a formal stock account is used in connection with any service, the relevant Head of Service shall ensure that a certified stock-take is carried out in the last week of March each year, and that records of receipt and issue of all stock are maintained throughout the year in a manner agreed with the Head of Financial Services.

## 5.7 **Insurance**

The Head of Financial Services shall obtain insurance to protect the Council or minimise its potential losses from risks including those to employees, property, equipment and cash. Any decision not to insure significant risks must be based on a detailed risk assessment.

## 5.8 **Write-off of Irrecoverable Debts**

The Head of Revenue Services, or in his/her absence the Head of Financial Services, is authorised to write-off debts with an individual value of up to £4,000, or of a greater amount after consultation with the executive councillor responsible for finance, having taken appropriate steps to satisfy himself/herself that the debts are irrecoverable or cannot be recovered without incurring disproportionate costs.

A summary report detailing debts written-off shall be submitted to the Cabinet quarterly.

## 6. **ASSETS**

### 6.1 **Definition**

An asset is an item of land, building, road or other infrastructure, vehicle or plant, equipment, furniture and fittings or information and communications technology, (hardware and software) with a life exceeding one year.

### 6.2 **Capital Expenditure**

The purchase or improvement of any asset will normally be treated as capital expenditure. However, expenditure of less than £10,000, or £5,000 in the case of vehicles, plant and equipment, will not normally be treated as capital expenditure unless the Head of Financial Services considers it is in the Council's interests to do so.

### 6.3 **Asset Register**

The Head of Legal and Estates will, after consultation with the Head of Financial Services, determine the procedures for maintaining the Asset Register, including the information that needs to be recorded. Heads of Service will provide the prescribed information for all relevant assets relating to their services in accordance with those procedures.

### 6.4 **Acquisition**

Assets shall only be acquired if provision is included in a Service Financial Plan or as a result of specific approval by the Cabinet. The purchase of assets must be in accordance with the procedures specified in the Council's Code of Procurement, having regard to the value of the asset.

The relevant Head of Service shall inform the Head of Financial Services within 10 working days of the acquisition of an asset which meets the definition for capital expenditure.

**6.5 Leases**

Finance and Operating leases are to be used only if they are in the Council's financial interest and with the approval of the Head of Financial Services.

**6.6 Control of Assets**

Each Head of Service is responsible for ensuring that the assets relating to their services are properly safeguarded, managed and maintained, and used only to achieve the Council's objectives. This will include establishing and maintaining appropriate security, control systems and records. They will need to consult relevant officers in relation to specialist items and, where vehicles are concerned, the officer holding the Council's Operating Certificate who has specific statutory responsibilities.

**6.7 Disposal of Assets**

The sale of assets must be in accordance with the procedures specified in the Council's Code of Procurement, having regard to the current value of the asset.

The relevant Head of Service shall inform the Head of Financial Services within 10 working days of any disposal of an asset included in the Asset Register.

**6.8 Valuations**

Assets will be re-valued at five yearly intervals by an appropriately qualified person according to the type of asset. Where appropriate, interim valuations will be recorded on the Asset Register by reference to a suitable index.

<b>SERVICES WITHIN SERVICE GROUPINGS</b>
<b>Refuse Collection</b>
Domestic Refuse Refuse Policy Trade Refuse
<b>Recycling</b>
Recycling Kerbside Collections Recycling Policy Recycling Sites Green Waste
<b>Street Cleansing &amp; Litter</b>
Fly Poster/Graffiti Removal Litter Control Street Cleansing Operations Street Cleansing Policy Weed Control
<b>Drainage &amp; Sewers</b>
Internal Drainage Boards Septic Tanks & Nightsoil Watercourses
<b>Public Conveniences</b>
Public Conveniences
<b>Environmental Health</b>
Abandoned Vehicles Air Quality Animal Welfare Burials Under Health Acts Caravans And Camping Contaminated Land Eh Health & Safety Energy Efficiency Environmental Health General Food Safety Health Promotion Nuisances Pest Control Private Housing Eh Travellers

<b>Development Control</b>
<ul style="list-style-type: none"> <li>Advice</li> <li>Alconbury Appeal</li> <li>Appeals</li> <li>Application Processing</li> <li>Development Control Panel</li> <li>Enforcement</li> <li>Environmental Assessment</li> <li>S106 Agreements Administration</li> </ul>
<b>Building Control</b>
<ul style="list-style-type: none"> <li>Advice</li> <li>Applications</li> <li>Promotion &amp; Enforcement</li> <li>Sustainable Construction</li> </ul>
<b>Planning Policy &amp; Conservation</b>
<ul style="list-style-type: none"> <li>Biodiversity Action Plan</li> <li>Cambs Historic Churches Trust</li> <li>Cambs Sub Region Infrastructure</li> <li>Conservation Management</li> <li>Conservation Technical Support</li> <li>Kimbolton Small Works</li> <li>Listed Buildings</li> <li>Local Plan</li> <li>Parish Plans</li> <li>Ramsey Rural Renewal</li> <li>Rural Renewal N &amp; E Hunts</li> <li>St Neots Cap Scheme</li> <li>Strategic &amp; Regional Planning</li> <li>Structure Plan</li> <li>Town Centre Vision</li> <li>Trees</li> </ul>
<b>Markets</b>
<ul style="list-style-type: none"> <li>Farmers Markets</li> <li>Huntingdon Market</li> <li>Markets Management</li> <li>Ramsey Market</li> <li>St Ives Bank Holiday Market</li> <li>St Ives Market</li> <li>St Neots Market</li> </ul>
<b>Economic Development</b>
<ul style="list-style-type: none"> <li>Business &amp; Enterprise Support</li> <li>Industrial Properties</li> <li>Miscellaneous Properties</li> <li>NNDR Discretionary Relief</li> <li>Town Centre Management</li> </ul>

<b>Planning Delivery Grant</b>
<ul style="list-style-type: none"> <li>Planning Delivery Grant</li> <li>Planning Grant Unallocated</li> </ul>
<b>Corporate Events</b>
<ul style="list-style-type: none"> <li>Leisure Grants</li> <li>Priory Centre</li> </ul>
<b>Leisure Centres</b>
<ul style="list-style-type: none"> <li>Huntingdon Leisure Centre</li> <li>Ramsey Leisure Centre</li> <li>Leisure Centres Overall</li> <li>Sawtry Leisure Centre</li> <li>St Ivo Leisure Centre</li> <li>St Neots Leisure Centre</li> </ul>
<b>Leisure Policy</b>
<ul style="list-style-type: none"> <li>Arts Development</li> <li>Leisure Development</li> <li>Policy and Strategic Mgt</li> </ul>
<b>Parks</b>
<ul style="list-style-type: none"> <li>Highways Amenities</li> <li>Parks Contracts</li> <li>Parks Management</li> <li>Pavilions</li> </ul>
<b>Countryside</b>
<ul style="list-style-type: none"> <li>Barford Road Pocket Park</li> <li>Countryside Management</li> <li>Hinchingbrooke Country Park</li> <li>Holt Island</li> <li>Ouse Valley Way</li> <li>Paxton Pits</li> <li>Paxton Pits R&amp;R Fund</li> <li>Spring Common</li> </ul>

<b>Tourism</b>
<p> Accommodation Guide  Brown Signs  Discover Cambridgeshire  District Promotion  EETB Domestic Marketing  EETB Overseas Marketing  Familiarisation Trips (TIC)  Family Pack  Gardens and Nature Leaflet  Group Travel Guide  History and Heritage Leaflet  Mini Guides  Newsletter  Out &amp; About  Ramsey TIC  Short Breaks Guide  Tip Posters  Tip Renewal &amp; Repair  Tourist Services  Web Development </p>
<b>Community Initiatives</b>
<p> Com Initiatives – Housing  Com Initiatives – Leisure  Community Strategy  Equal Opportunities  Health For Huntingdonshire  Health For Hunts Yaxley  Healthy Living Centre  Hunts Learning Partnership  Local Agenda 21  Miscellaneous Grants  Oxmoor Action Plan  Yaxley Community Project  Young People’s Project </p>
<b>Housing Services</b>
<p> Common Housing Register  Contributions To H R A  Housing Advances  Housing Advice  Housing Developments  Housing Strategy  Mobile Home Park  Publicising Housing Services  Waiting List </p>

<b>Private Housing Support</b>
<ul style="list-style-type: none"> <li>Home Improvement Agency</li> <li>Housing Associations</li> <li>Housing Surveys</li> <li>Renovation/Improvement Grants</li> </ul>
<b>Homelessness</b>
<ul style="list-style-type: none"> <li>Homelessness Management</li> <li>Homeless Young Persons Advisor</li> <li>Hostel Support</li> <li>Rental Deposit Scheme</li> <li>Supporting People Scheme</li> <li>Temp Accommodation – B&amp;B</li> </ul>
<b>Housing Benefits</b>
<ul style="list-style-type: none"> <li>Rent Allowance Local Scheme</li> <li>Rent Allowance National Scheme</li> <li>Housing Benefits Admin</li> <li>Temporary Accommodation Support</li> </ul>
<b>Community Safety</b>
<ul style="list-style-type: none"> <li>CCTV</li> <li>Community Partnership</li> </ul>
<b>Transportation Strategy</b>
<ul style="list-style-type: none"> <li>Accessibility Improvements</li> <li>Cycle Routes</li> <li>Cycle Shelters</li> <li>Environmental Management</li> <li>Transportation Developments</li> <li>Transportation Grants</li> <li>Transportation Strategy</li> </ul>
<b>Public Transport</b>
<ul style="list-style-type: none"> <li>Bus Shelters</li> <li>Concessionary Fares</li> <li>Huntingdon Bus Station</li> <li>Rail Passes</li> <li>St Ives Bus Station</li> </ul>
<b>Highways Services</b>
<ul style="list-style-type: none"> <li>Highways Cyclic Maintenance</li> <li>Highways Management</li> <li>Highways R&amp;R Schemes</li> </ul>
<b>Car Parks</b>
<ul style="list-style-type: none"> <li>Car Park Management</li> <li>Car Park Policy</li> </ul>

<b>Environmental Improvements</b>
<p> <b>Env Imps Feasibility Studies</b>  <b>Env Imps Management</b>  <b>Environmental Imps Renewals</b>  <b>Gazebo R&amp;R</b>  <b>Godmanchester Env Improvements</b>  <b>Huntingdon Env Improvements</b>  <b>Other Schemes</b>  <b>Ramsey Env Improvements</b>  <b>Small Scale Env Improvements</b>  <b>Somersham Env Improvements</b>  <b>St Ives Env Improvements</b>  <b>St Neots Env Improvements</b>  <b>Yaxley Env Improvements</b> </p>
<b>Administrative Services</b>
<p> <b>District Elections</b>  <b>Elections Periodic Review</b>  <b>Electoral Registration</b>  <b>Emergency Planning</b>  <b>Land Charges</b>  <b>Licences</b>  <b>National &amp; County Elections</b>  <b>Parish Elections</b> </p>
<b>Local Taxation &amp; Benefits</b>
<p> <b>Council Tax</b>  <b>Council Tax Benefits</b>  <b>NNDR Administration</b> </p>
<b>Corporate Management</b>
<p> <b>Bank Charges</b>  <b>Best Value</b>  <b>Customer First</b>  <b>External Audit</b>  <b>Information &amp; Promotion</b>  <b>Local Council Support</b>  <b>Pensions</b>  <b>Policy and Strategy</b>  <b>Public Accountability</b>  <b>System &amp; Asset Management</b>  <b>Telecommunications</b>  <b>Unallocated Central Overheads</b> </p>

<b>Democratic Representation</b>
Corporate Committees Corporate Subscriptions Member Expenses & Allowances Member Support Twinning
<b>Contingency</b>
Efficiency Savings Contingency General Contingency Other Contingencies
<b>Other Expenditure</b>
Capital Charges Reversed Commutation Transfer Pensions Liabilities Reversed VAT Partial Exemption
<b>Investment Interest</b>
Interest Paid Interest Received

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## CODE OF PROCUREMENT

### 1. INTRODUCTION

- 1.1 The Code of Procurement defines the regulatory and legal framework for procurement. It has been adopted in accordance with the requirements of Section 135 (2) of the Local Government Act 1972.
- 1.2 This Code applies to the procurement, hire, rental or lease of -
- ◆ land and buildings, roads or other infrastructure;
  - ◆ vehicles or plant;
  - ◆ equipment, furniture and fittings;
  - ◆ construction and engineering works;
  - ◆ information and communication technology - hardware and software;
  - ◆ goods, materials and services;
  - ◆ repairs and maintenance; and
  - ◆ consultants, agents and professional services.
- 1.3 This Code does not apply to purchases made from internal management units.
- 1.4 The Code applies also to the sale of assets and goods by the Council where the appropriate Head of Service estimates that the assets, goods or services to be sold exceed £1000. Where the value is estimated to be less than £1000 then the 'Sale of Equipment' procedures contained within the Inventory procedures shall be followed.
- 1.5 The Council includes the Cabinet, panels, committees or other body or person(s) acting in accordance with delegated authority on behalf or the Council.
- 1.6 All procurements or sales made by or on behalf of the Council shall comply with this Code, subject to any overriding requirements of the Council's Rules of Procedure and Code of Financial Management and British or European Union law or regulation.
- 1.7 Throughout the Code, reference to contractor(s) or sub-contractor(s) shall mean any person, company or supplier who has -
- ◆ requested to be on an approved or ad-hoc approved list of tenderers;
  - ◆ been approached to provide a quotation or tender;
  - ◆ provided a quotation or tender; or
  - ◆ been awarded a contract in accordance with the provisions of this Code.
- 1.8 The Head of Financial Services shall annually review all the financial values contained in the Code to take account of the impact of inflation. The Head of Financial Services shall inform all Heads of Service of any amendments to the values prior to the 1st April from which they shall be operative.

## 2. REPORTING PROCEDURES AND EU COMPLIANCE

2.1 EU Procurement Directives require the Council, to report procurements likely to exceed EU thresholds, both at the start of the year and on an ad-hoc basis as new or changed requirements arise. The ODPM also seeks a financial year-end report based on procurements and contracts advertised on the Official Journal of the European Union (OJEU). The EU thresholds are:

<b>Contract</b>	<b>Threshold Euros</b>	<b>Threshold £ (Approx)</b>
Supplies	€200,000	£ 153,000
Services	€200,000	£ 153,000
Works	€5,000,000	£ 3,834,000

### 2.2 Financial Year Start Reporting

At the start of each financial year (1 April) Heads of Service shall:

- ◆ provide the following information to the Procurement Manager -
  - Details of each contract expected to be advertised in the following year.
  - An estimate of the total value for each discrete procurement area where the spend is likely to exceed £100,000.
- ◆ advertise very brief details of each contract expected to be advertised in the following year. The advertisement shall take the form of a Prior information Notice (PIN). The publishing of a PIN does not commit the Council, but can reduce timescales if the requirement is subsequently advertised through OJEU.

A PIN is also required if the estimate of the aggregated value of the contracts for a given coding class exceeds the published PIN thresholds:

<b>Contract</b>	<b>Threshold Euros</b>	<b>Threshold £ (Approx)</b>
Supplies	€750,000	£ 480,000
Services	€750,000	£ 480,000
Works	€5,000,00	£ 3,834,000

Contract values are the Council's aggregated spend and not individual Directorates or Services. Therefore, the Procurement Manager shall advise the Head of Service if their aggregated spend is to be advertised as a PIN.

Aggregated values can be calculated by one of the following methods -

- ◆ the total value purchased over the last financial year; or
- ◆ the estimated value of all contracts expected to be placed in the next financial year or the term of the contract if that is longer; or

- ◆ where the contract is open-ended or of uncertain duration, such as those for the hire of goods or for the delivery of a particular service, the value is based on the estimated average monthly expenditure multiplied by 48 (4 years).

### 2.3 Through Year Reporting

Heads of Service shall report, using a PIN where time permits, new or additional requirements likely to meet or exceed EU thresholds as they arise.

### 2.4 End of Year Reporting

ODPM seeks a report each year from all Councils regarding contracts awarded through OJEU during the previous year. By the 30 Apr each year, Heads of Service shall provide the Procurement Manager with the following details for contracts placed through OJEU procedures -

- ◆ Services: Service Category.
- ◆ Supplies: Nipro Class.
- ◆ Works: Nace Group.
- ◆ Service Provider Nationality.
- ◆ Award Procedure:
- ◆ Justifications if Negotiated procedure.
- ◆ Value.

## 3. METHODS OF ORDERING

3.1 All orders shall be placed through one of the following recognised methods -

- ◆ An order raised on CedAR Purchase Order Process.
- ◆ A Procurement Card Order.
- ◆ An Electronic order
- ◆ A Manual Purchase Order.

3.2 Use of an appropriate ordering method ensures that the Council achieves -

- ◆ The opportunity to obtain leverage for volume.
- ◆ Regulatory compliance.
- ◆ Visibility of all procurement activity.

3.3 Where there is an exception requirement and the relevant Director or Head of Service considers that the work is of an emergency nature necessary to enable the service to continue and none of the ordering methods are suitable, the relevant Director or Head of Service shall record the details of the exceptional requirement and the action taken for future Audit.

## 4. 'BEST VALUE' AND THE NEED TO COMPETE REQUIREMENTS

4.1 The Council seeks 'Best Value' in all procurement activity and will standardise on 'adopted' corporate contracts and frameworks. An adopted contract and framework is the preferred contract for the Council's business within a defined category (a type or group of goods or services). The Procurement Manager shall recommend a contract or framework as 'adopted' to COMT and, subject to approval, shall publish details in Procurement Protocols & Guidelines. Heads of Service shall ensure that orders for such categories are placed through the appropriate 'adopted' framework. The Procurement Manager

shall keep under review the continued suitability of any such contracts or framework agreements.

4.2 Where there is no adopted contract or framework, Heads of Service shall, wherever practicable, seek to maximise contract values with other Heads of Service to secure lower costs.

4.3 Where there is no adopted contract or framework, the Council nevertheless wishes to balance the effort of going to the Market with the effort and efficiency of the procurement process. Heads of Service after determining the proposed contract's total value shall then follow one of the procurement procedures detailed below. These procedures shall be used in **all** procurements or sales bar those exceptions at paragraph 4.6.

<b>Estimated Total Value of Procurement</b>	<b>Requirement</b>
Up to £5,000	Estimates or offers shall be obtained and recorded to ensure the Head of Service has obtained Best Value.
£5,001 to £30,000	Competitive written quotations or offers shall be invited, unless the Head of Service has complied in full with paragraph 5.3e of this Code.
£30,001 to European Union Procurement Threshold	Competitive tenders shall be obtained using one of the tendering options in this Code, and a formal written contract prepared in accordance with paragraph 11.2.
Above the EU Threshold specified below	The appropriate EU procurement directive shall be complied with.

4.4 A Head of Service may choose to competitively tender requirements less than £30,000.

4.5 Achieving 'Best Value' needs valid competition and valid competition is dependant on the existence of an 'open' market with the selected Contractors having the interest, capability and capacity for the work or business being offered. Wherever possible a minimum of three competitive tenders or quotations shall be sought. In selecting contractors to provide a tender or quotation Heads of Service shall ensure that wherever possible -

- ◆ the selection process they are using is fair and equitable, and that no favouritism is shown to any one contractor.
- ◆ checks are made to ensure that contractors are interested in this type of business.
- ◆ repeat or 'automatic' invitations to the 'same' contractor or group of contractors are avoided, particularly where previously invited to bid and had failed to do so.
- ◆ 'new' contractors are sought and invited to tender or quote.
- ◆ the geographic area of the search for potential contractors is widened.
- ◆ 'no-bids' are checked for the reasons for a contractor's failure to bid.

#### 4.6 **Exceptions**

Nothing in this Code shall require tenders or quotations to be sought: -

- (a) for purchases made through ESPO;
- (b) for purchases made at public auction;
- (c) for purchases through any local authority or government consortium, collaboration or similar body, where the procurement rules of that organisation have been adopted. The Director of Central Services shall approve and keep under review the continued suitability of any such organisations (see Para. 6.1 below); or
- (d) where the relevant Director or Head of Service -
  - ◆ considers that the work is of an emergency nature or is necessary to enable the service to continue; or
  - ◆ with the Head of Financial Services' agreement considers that it is in the Council's best interest in negotiating a further contract for works, supplies or services of a similar nature with a contractor who is currently undertaking such work.
- (e) The relevant Director or Head of Service shall report details of all work awarded under paragraph (d) ante -
  - ◆ to the Director of Central Services who shall make a record in a register kept for that purpose; and
  - ◆ to the next meeting of the Cabinet.

### 5. **TENDER METHODS AND PROCEDURES**

#### 5.1 **Form of Tenders and Requests for Quotations**

To support the Council complying with the Freedom of Information Act 2000 (FOIA), all tenders and requests for quotations shall include as a minimum -

“All information supplied to the Authority will be subject to the provisions of the Freedom of Information Act 2000 and as such may be disclosed by the Authority when required to do so under the Act. When such disclosure is necessary the Authority shall use reasonable endeavours to consult with the provider of the information prior to disclosure”.

#### 5.2 **Recording of Quotation Requests**

The Head of Service shall keep a record, in the form agreed by the Director of Central Services, of -

- ◆ all those contractors that were requested to provide a quotation;
- ◆ the reasons why those particular contractors were selected to provide a quotation; and
- ◆ if applicable, the reasons why less than three contractors were selected to provide a quotation.

### 5.3 Tendering Options

Heads of Service shall select one of the following tendering methods. If any alternative tendering method is proposed then approval of the Cabinet is required before the proposed tendering option is followed. In selecting contractors who are to be requested to provide a tender Heads of Service shall comply with paragraph 4.5.

<i>Tender Option</i>	<b>Requirement</b>
A. Ad Hoc Tender <b>Open tender</b>	Public notice shall be given in one or more newspapers and/or in an appropriate trade journal. The notice shall state the nature and purpose of the contract, where tender documentation can be obtained, and state the closing date for the receipt of tenders.
B. Approved List of Tenderers <b>Restricted tender</b>	Tenders shall be invited from at least three contractors selected from an approved list established in accordance with paragraph 6.1 of this Code.
C. Ad Hoc Approved List of Tenderers <b>Open restricted tender</b>	Tenders shall be invited from a list of contractors compiled in accordance with paragraph 7.1 of this Code for a specific contract.
D. Serial Tenders	The proposed contract shall form part of a serial programme. The contract terms shall be negotiated with a contractor, using as a basis for negotiation the rates and prices contained in an initial contract that was awarded following a competitive tendering process that complied with this Code. No more than two serial contracts shall be negotiated from an initial contract.
E. Single Tenders	<p>A Head of Service after consulting the Director of Central Services may obtain a single tender (or quotation – see paragraph 5.3 above) when:</p> <ul style="list-style-type: none"> <li>• Prices are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available.</li> <li>• Work to be executed or goods, services or materials to be supplied consist of repairs to or the supply of parts of existing proprietary machinery, equipment, hardware or plant and the repairs or the supply of parts cannot be carried out practicably by alternative contractors.</li> <li>• Specialist consultants, agents or professional advisers are required and <ul style="list-style-type: none"> <li>○ there is no satisfactory alternative; or</li> <li>○ evidence indicates that there is likely to be no genuine competition; or</li> <li>○ it is in the Council's best interest to engage a particular consultant, agent or adviser.</li> </ul> </li> <li>• Products are sold at a fixed price, and market conditions make genuine competition impossible.</li> <li>• No satisfactory alternative is available.</li> </ul> <p>If the Single Tender option is used, the Head of Service shall:</p> <ul style="list-style-type: none"> <li>• notify the Director of Central Services who shall make a record in a register kept for that purpose;</li> <li>• retain records that demonstrate that the best price or value for money has been obtained from the negotiations with the tenderer.</li> </ul>

Except to the extent that the Cabinet in a particular case or specified categories of contract otherwise decides, all quotations or tenders that are being sought shall -

- ◆ include approved contract terms in accordance with paragraph 11.2 of this Code;
- ◆ be based on a definite written specification, which shall include an award criteria, which if it is not to be the lowest price shall be agreed by the appropriate Director;
- ◆ if appropriate, include a requirement for a performance bond and liquidated damages.

#### **5.4 Non-Traditional Procurement**

If a Head of Service believes that by following one of the procurement procedures detailed in paragraph 4.3 above, that the procurement process will not provide him with the most appropriate method of service delivery, the most competitive prices, allow for continuous improvements in service delivery, or stifle procurement innovation, then he may suggest alternative procurement strategies.

The Head of Service shall produce, in accordance with guidance issued by the Director of Central Services and prior to proceeding with the procurement, a written procurement strategy that shall be approved by the Director of Central Services and the Cabinet.

### **6. PROCEDURE FOR THE APPROVAL AND MAINTENANCE OF APPROVED LISTS OF TENDERERS**

6.1 Only those lists containing details of contractors that are compiled and maintained by an external organisation to the satisfaction of the Director of Central Services, after consultation with the Head of Financial Service and the other relevant Heads of Service shall be adopted as approved lists of tenderers. The Procurement Manager shall ensure that the external organisation and approved list of contractors is detailed in Procurement Protocols & Guidelines.

6.2 If a Head of Service believes that the approved list of tenders does not allow him to obtain sufficient competition for 'Best Value', the Head of Service shall write to the Director of Central Services seeking approval to source additional contractors. Instructions for sourcing additional contractors are detailed in Procurement Protocols & Guidelines. All additional contractors sourced will be required to complete the approved list checks and their inclusion in competition will depend on satisfactory completion of the checks.

6.3 The Director of Central Services in conjunction with the Head of Financial Services and relevant Heads of Service shall review the continued suitability of an Approved List of Tenderers periodically and at least prior to the third anniversary of its initial or further adoption.

### **7. PROCEDURE FOR THE APPROVAL OF AD-HOC APPROVED LISTS OF TENDERERS**

7.1 A public notice shall be issued inviting applications for inclusion on a specific approved list for the supply of goods, services or materials. The ad-hoc

approved list of tenderers shall be established from contractors replying to the public notice or who have requested within the previous 12 months to be included on an ad-hoc approved list for work of a similar nature.

7.2 The Head of Service shall undertake sufficient vetting to ensure that ad-hoc approved lists shall -

- ◆ be approved by the appropriate Head of Service after consultation with the Director of Central Services and the Head of Financial Services; and
- ◆ only be used for seeking tenders for the supply of goods, services or materials specifically detailed within the original public notice.

## **8. SUB-CONTRACTS AND NOMINATED SUPPLIERS**

8.1 Quotations or tenders for sub-contracts to be performed or for goods, services or materials to be supplied by nominated sub-contractors shall be invited in accordance with this Code.

8.2 The relevant Head of Service is authorised to nominate to a main contractor a sub-contractor whose quotation or tender has been obtained in full accordance with this Code.

## **9. RECEIPT AND OPENING OF TENDERS AND QUOTATIONS**

9.1 Where tenders or quotations are invited in accordance with this Code no tender or quotation will be considered unless -

- ◆ contained in a plain envelope which shall be securely sealed and shall bear the word "Tender" or "Quotation" followed by the subject to which it relates; or
- ◆ it has been sent electronically to a specific e-mail address, which the appropriate Head of Service shall obtain from the Head of Information Management.

9.2 Further to paragraph 9.1 above -

- ◆ the envelope shall not bear any distinguishing matter or mark intended to indicate the identity of the sender. Contractors shall be notified accordingly. Such envelope shall be addressed impersonally to the Director of Central Services if it contains a "Tender" or the appropriate Head of Service if it contains a "Quotation"; and
- ◆ the Head of Information Technology shall ensure that the e-mail address is secure, can only be accessed by the Director of Central Services or officers specifically appointed by him.

9.3 All envelopes or e-mails received shall be kept securely and shall not be opened or accessed until the time appointed for their opening.

9.4 All tenders or quotations invited in accordance with this Code shall be opened at one time only and by at least two officers -

- ◆ tenders shall be opened by officers nominated by the Director of Central Services and by the appropriate Head of Service. The Head of Financial Services shall be notified of the time and place appointed for the opening; and

- ◆ quotations shall be opened by the appropriate Head of Service and/or his nominee(s).

9.5 All tenders or quotations upon opening shall be recorded in writing on either a tender or quotation opening record, as is appropriate. The format of the opening record shall have been previously agreed with the Director of Central Services and Head of Financial Services. The Form of Tender or Quotation and any accompanying documentation shall be marked with the date of opening, and signed by all officers present at the opening. The tender or quotation opening record shall be signed by at least two officers present at the opening.

9.6 The original opening record shall be retained by the Director of Central Services in respect of tenders, and the relevant Head of Service in respect of quotations.

9.7 Any tenders or quotations received after the specified time shall be returned promptly to the contractor by the Director of Central Services or his nominated officer in respect of tenders, or by the appropriate Head of Service or his nominated officer in respect of a quotation. The tender or quotation may be opened to ascertain the name of the contractor but no details of the tender or quotation shall be disclosed.

## **10. ACCEPTANCE OF TENDERS AND QUOTATIONS**

10.1 The appropriate Head of Service shall evaluate all the tenders or quotations received in accordance with the award criteria set out in the bid documentation and shall accept, subject to the provisos set out in this paragraph, either -

- ◆ the lowest priced tender or quotation; or
- ◆ the most economically advantageous tender or quotation, as evaluated against the award criteria.

10.2 Tenders or quotations exceeding the approved estimate may only be accepted once approval to further expenditure is obtained.

10.3 If the lowest priced, or most economically advantageous exceeds £30,000 -

- ◆ but is within 15% of the original estimate, the appropriate Head of Service may accept the quotation without seeking further competition; and
- ◆ is in excess of 15% of the original estimate then a competitive tender exercise in accordance with paragraph 5.3 above shall be carried out, unless the appropriate Head of Service has consulted and obtained the approval of the Director of Central Services and relevant executive councillor that the quotation can be accepted.

10.4 A tender or quotation shall not be accepted -

(a) where payment is to be made by the Council and -

- ◆ it is not the lowest priced tender or quotation, or
- ◆ the most economically advantageous tender or quotation in accordance with the award criteria set out in the tender or quotation documentation; or

- (b) if payment is to be received by the Council and the tender or quotation is not the highest price or value;
- (c) unless -
  - ◆ the Cabinet have considered a written report from the appropriate Head of Service, or
  - ◆ in cases of urgency, the Director of Central Services has consulted and obtained the approval of the relevant executive councillor. Tenders or quotations accepted in this way shall be reported by the appropriate Head of Service to the next meeting of the Cabinet.

10.5 Where post-tender negotiations have been undertaken in accordance with paragraph 10.6 below, the appropriate Head of Service shall only accept the lowest priced tender received. A tender other than the lowest shall not be accepted until the Cabinet have considered a written report from the appropriate Head of Service, and recommended acceptance of a tender other than the lowest.

#### 10.6. **Arithmetical Errors and Post-Tender Negotiations**

Contractors can alter their tenders or quotations after the date specified for their receipt but before the acceptance of the tender or quotation, where examination of the tender or quotation documents reveals arithmetical errors or discrepancies which affect the tender or quotation figure. The contractor shall be given details of all such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing his offer.

In evaluating tenders, the appropriate Head of Service may invite one or more contractors who have submitted a tender to submit a revised offer following post-tender negotiations.

All post-tender negotiations shall -

- ◆ only be undertaken where permitted by law and where the appropriate Head of Service, Head of Legal and Estates and Head of Financial Services consider additional financial or other benefits may be obtained which over the period of the contract shall exceed the cost of the post-tender negotiation process;
- ◆ be conducted by a team of officers approved in writing by the appropriate Head of Service, Director of Central Services and Head of Financial Services;
- ◆ be conducted in accordance with guidance issued by the Director of Central Services; and
- ◆ not disclose commercially sensitive information supplied by other bidders for the contract.

Post-tender negotiations shall not be used to degrade the original specification unless the capital or revenue budget is exceeded, or the appropriate Director or Head of Service considers other special circumstances exist, in which case all those contractors who originally submitted a tender shall be given the opportunity to re-tender.

The appropriate Head of Service shall ensure that all post-tender negotiation meetings are properly minuted with all savings and benefits offered clearly costed. Following negotiations but before the letting of the contract,

amendments to the original tender submitted shall be put in writing by the contractor(s) and shall be signed by him.

## **11. TERMS OF BUSINESS AND THE FORM OF CONTRACTS**

11.1 All orders placed by the Council shall be on the Council's Terms and Conditions (T&Cs). Heads of Service shall not use Contractor's documentation to order, acknowledge, instruct to proceed or make any other commitment where the documentation makes any reference to the Contractor's T&Cs. Where a contractor formally insists on trading on T&Cs other than the Council's T&Cs, the Procurement Officer shall be informed, except for -

- ◆ Any contract where the estimated total value is likely to exceed £30,000, Paragraph 11.2 shall apply.
- ◆ Any framework or contract formally adopted by the Council.
- ◆ ESPO arranged contracts and orders.
- ◆ Orders of a total value of less than £ 5,000 where the goods or service are purchased on a 'retail' basis on terms available to the general public.
- ◆ Orders for software where the licence is for 'standard' product but not where customisation, development or on-site service is required for the 'standard' product.

11.2 Every contract that exceeds £30,000 in value shall be in writing in a form approved by the Head of Legal and Estates who shall also determine the format of any contract for a lesser value. Heads of Section shall ensure that advice of the Head of Legal and Estates is sought at a stage as early as practicable (normally before the issue of an Invitation to Tender).

11.3 In the case of any contract for the execution of works or for the supply of goods, services or materials, the Head of Service after consulting with the Head of Financial Services and the Head of Legal and Estates shall consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or shall specify in the specification of tender the nature and amount of the security to be given. In the latter event, the Council shall require and take a bond or other sufficient security for the due performance of the contract.

11.4 Heads of Service shall produce the final version of all contracts in 2 copies and present both to the Authorised Officer for signature. Once signed by the contractor, the signed contract, all original documents, including specifications, drawings, tender documents and correspondence relating to a contract exceeding a total value of £30,000 shall be forwarded by the Head of Legal and Estates. Where the total value of the contract is less than £30,000 the relevant Head of Services shall make arrangements for the retention of all the original documentation.

11.5 Heads of Service shall maintain a record (in the form detailed in the Procurement Protocols & Guidance) for their area of each contract or agreement (both written and verbal agreements).

11.6 Heads of Service shall include the specific T&Cs listed in the Procurement Protocols & Guidance in all contracts. Where a Head of Service considers a term or condition inappropriate they shall seek advice of the Head of Legal and Estates on the modification or deletion of the term or condition.

## **12. LETTERS OF INTENT**

12.1 Letters of intent provide a contractor with the authority to proceed prior to the award of a contract. However, letters of intent have two main disadvantages:-

- (a) if the contract is not awarded the contractor is entitled to payment regardless as to whether the work was actually needed;
- (b) the Council's negotiating position is weakened as the contractor may believe actual award of contract is a formality and therefore, the contractor may refuse to accept conditions that are seen as disadvantageous.

12.2 Heads of Service shall ensure that:-

- (a) all letters of intent are in a form approved by Head of Legal and Estates;
- (b) all letters of intent are signed by an Authorised Officer with sufficient authority for either the value of the intended contract or the estimated value of any 'extension' period defined in the letter of intent.

## **13. RETENTION OF DOCUMENTS**

13.1 Heads of Service shall ensure that every contract or order is assigned a unique reference number to be used in all correspondence. The unique reference number shall comprise abbreviation for the Division and year. Formal amendments to a contract or order should also be given unique numbers showing the order in which the amendments were made.

13.2 Documentation retention periods are dictated by the Statute of Limitations and (where applicable) EU requirements. The following rules apply:-

- (a) retention for 12 years from the date of completion of the contract for contracts made under deed;
- (b) retention for 6 years from the date of completion of the contract: -
  - ◆ Contract Documents
  - ◆ Hire/Rental Agreements
  - ◆ Successful Tenders
  - ◆ Summary of Tender Opening
  - ◆ Disposal Board papers
  - ◆ Evaluation reports
  - ◆ Goods Received Notes
  - ◆ HM Customs and Excise Import documentation
  - ◆ Invitations to Tender/Quotation Requests
  - ◆ Maintenance/Software licence agreements
  - ◆ Specifications
  - ◆ Successful Quotations
  - ◆ Suppliers' Advice Notes;
- (c) retention for 3 years after the last entry -
  - ◆ Stock and Purchase Record Cards or Registers;

(d) retention for 2 years after the financial year to which the document relates -

- ◆ Unsuccessful Quotations.
- ◆ Unsuccessful Tenders.

**14. FREEDOM OF INFORMATION ACT 2000 (FOIA)**

14.1 Heads of Sections shall ensure that the handling of requests for procurement information complies with the detailed guidance published as Procurement Protocols & Procedures and the general FOIA guidance published by the Council's Freedom of Information Officer.

**15. CONSULTANTS**

15.1 It shall be a condition of the engagement of any consultant, agent or professional adviser who is to be responsible to the Council for the management or supervision of a contract on its behalf, that in relation to that contract he shall -

- ◆ comply with this Code as though he were an employee of the Council;
- ◆ at any time during the carrying out of the contract produce to the appropriate Head of Service, on request, all the records maintained by him in relation to the contract; and
- ◆ on completion of the contract transmit all records that he has produced or received that relate to the contract to the appropriate Head of Service.

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